



Appeal Decision

Site visit made on 28 March 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Appeal Ref: APP/T5150/W/21/3286950

Nos 21 and 23 Alverstone Road, Wembley HA9 9SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Patel of Macol Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/3377, dated 6 September 2021, was refused by notice dated 4 November 2021.
 - The development proposed is described on the application form as 'demolition of existing garage, subdivision of two rear gardens and construction of new two storey dwellinghouse, associated hardstanding and soft landscaping, cycle storage and bin storage, side boundary fencing and creation of off road parking space'.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage, subdivision of two rear gardens and construction of new two storey dwellinghouse, associated hardstanding and soft landscaping, cycle storage and bin storage, side boundary fencing and creation of off road parking space at Nos 21 and 23 Alverstone Road, Wembley HA9 9SD in accordance with the terms of the application, Ref 21/3377, dated 6 September 2021, and subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. Following the refusal of the planning application, the Brent Local Plan 2019-2041 (Local Plan) was adopted by the Council in February 2022. This superseded the London Borough of Brent Local Plan Development Management Policies (2016). The main parties have had the opportunity to comment on the relevant policies of the Local Plan and I have had regard to any comments received and to the Local Plan in my decision.

Main Issue

3. The main issue is whether the development proposed would provide for a satisfactory standard of accommodation for future occupiers, with particular regard to outlook.

Reasons

4. The appeal site relates to garden land to the rear of 21 and 23 Alverstone Road, which is partly occupied by a detached garage to the rear of No 23. The gardens slope down from the rear of Nos 21 and 23 to the lowest point where they adjoin the boundary with 46 Wentworth Hill. The surrounding area is predominantly residential and is characterised by two storey semi-detached

properties which generally have front gardens and driveways with larger rear gardens.

5. The appeal proposal is for a two storey detached dwelling and associated works which would be accessed from Wentworth Hill. It is a revised scheme following on from a previously approved application¹ for a similar development. A key difference between the two schemes is that a three bedroom property is now proposed, which would be achieved by replacing a bathroom with a third bedroom at the rear of the property.
6. In order to avoid overlooking of the neighbouring garden to the south, it is proposed that the sill of the rear bedroom window be positioned at high level, a minimum of 1.7m above finished floor level. Due to its position at high level the rear bedroom window would not have a view of surrounding areas. However, it would provide an outlook to the sky which I consider would be acceptable, particularly given the high standard of accommodation to be provided overall. The window would be of an adequate size and would provide adequate daylight to this room.
7. For the above reasons I conclude that the proposal would provide for a satisfactory standard of accommodation for future occupiers, having particular regard to outlook. Accordingly, there would be no conflict with Policy DMP1 of the Local Plan or the Brent Design Guide SPD1 (2018), which, amongst other things, seek to ensure that new development provides high levels of internal and external amenity.

Other Matters

8. I have taken careful account of the representations of those nearby. Matters raised include the effect of the proposal on the living conditions and health of neighbouring occupants, the character of the area, flood risk and parking provision. However, these do not form part of the Council's reason for refusal and I have no reason to disagree with these conclusions based on the evidence before me and my own observations on site.

Conditions

9. I have had regard to the conditions suggested by the Council. In imposing conditions I have had regard to the relevant tests in the Framework, Planning Practice Guidance and of statute. In that context I have modified the wording of some of the conditions proposed by the Council without altering their fundamental aims.
10. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. In order to preserve the character and appearance of the area, conditions are also required in relation to details of the external materials, hard and soft landscaping, boundary treatment and parking spaces.
11. Pre-commencement conditions relating to a Construction Method Statement and to contamination are also necessary in the interests of the living conditions of neighbouring occupiers and safety respectively. A pre-commencement condition relating to the protection of trees is also necessary in order to ensure their survival and to protect the visual amenity of the trees.

¹ Council ref 20/4261

12. I attach a condition relating to obscure glazing and residential use to safeguard the living conditions of neighbouring residents. Given the relatively confined nature of the appeal site and its relationship to neighbouring properties, a condition is necessary to restrict permitted development rights for future extensions and outbuildings in order to safeguard the living conditions of future occupiers and neighbouring residents and the character of the area.

Conclusion

13. For the above reasons, having considered the development plan as a whole, the approach in the National Planning Policy Framework, and all other relevant material considerations, the appeal is allowed subject to the conditions specified below.

M Ollerenshaw

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3603/05B, 3603/06B, 3603/10C, 3603/11E, 3603/12C and 3603/13A.
- 3) Prior to commencement of the development hereby approved, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority, outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Prior to commencement of the development hereby approved, details of tree protection measures for the trees shown as being retained on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed before development commences and shall be retained for the duration of the construction period, unless otherwise agreed in writing with the Local Planning Authority.
- 5) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.
- 6) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).
- 7) Prior to commencement of the development hereby approved, excluding any demolition, site clearance and the laying of foundations, details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - soft landscaping including the provision of shrubs and/or trees which shall include tree planting to replace any trees removed;
 - any hedges and shrubs to be retained;
 - details of boundary treatment including materials;
 - one car parking space, including the size and siting of the parking area, defined points of access, details of a vehicle crossover for 23 Alverstone Road, and the materials to be used for areas of hard surfacing;

- details of any level changes within the site;
- waste and recycling storage facilities;
- details of a secure and covered cycle store.

The approved details shall be carried out in full prior to occupation of the building hereby approved and thereafter maintained in accordance with the approved scheme unless alternative timescales have been submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants of similar species and size to those originally planted.

- 8) Before their use in the development hereby approved, details of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details, and retained as such thereafter.
- 9) The bathroom windows located on the first floor to the south elevation and the staircase window to the west elevation of the building shall be obscure glazed and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently maintained in that condition thereafter unless planning consent is obtained from the Local Planning Authority.
- 10) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse hereby approved, notwithstanding the provisions of Classes A, B, C, E, and F of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.
- 11) Notwithstanding the provisions of Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any order revoking or re-enacting that Order with or without modification), the residential unit hereby permitted shall not be converted to a Class C4 small House in Multiple Occupation without express planning permission having first been granted by the Local Planning Authority.