



Appeal Decision

Site visit made on 24 March 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/T5150/W/21/3285800

99 Harrowdene Road, Wembley HA0 2JH

- 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 G Halai against the decision of London Borough of Brent.
- The application Ref 21/1130, dated 26 March 2021, was refused by notice dated 6 July 2021.
- The development proposed is the extension of existing outbuilding in garden.

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit I saw that development had commenced. A building in the approximate location of the appeal proposal which was not consistent with the proposed drawings was under construction. I have dealt with the appeal on the basis that planning permission is sought for the extension of an existing outbuilding in the garden, which is reflected in the description of the development, and in accordance with the drawings submitted. The application was not made retrospectively although I note from the application form that development had commenced at the time the application was made.
3. The Council considers that the proposal should have been considered by way of an application under section 73 of the Town and Country Planning Act 1990 (as amended) ('the Act') for a variation of condition on a previously approved and implemented scheme for the redevelopment of the property¹. Nevertheless, a full planning application was submitted and determined, and this is now the subject of this section 78 appeal. I have determined the appeal on that basis. I have also been made aware that planning permission has been granted for a smaller extension to the existing outbuilding in the garden².

Preliminary Matter

4. Since the appeal was submitted, the Brent Local Plan 2019-2041 (BLP) was adopted by the Council on 24 February 2022, and policies of the Core Strategy 2010 and Development Management Policies 2016 were superseded. The main parties were given the opportunity to make representations on any implications of the change in policy, and I am therefore satisfied that no party would be unfairly prejudiced by my determination of the appeal giving full weight to the policies of the BLP. I make no further reference to the now superseded parts of the development plan.

¹ LPA ref: 18/2749

² LPA ref: 21/2299

Main Issues

5. The main issues are the effect of the proposed development on:

- The character and appearance of the area including the effect on trees; and
- The living conditions of future occupants with particular reference to the provision of private amenity space.

Reasons

Character and Appearance

6. The proposal is to extend an existing pitch-roofed outbuilding at the end of the garden towards the boundary with 97 Harrowdene Road with a flat roof extension. The site backs onto other residential properties on Waylett Place. The area is predominantly residential in character and the properties on the road have large rear gardens.
7. Other properties in the locality have buildings in their gardens which are similar in size and scale to the appeal proposal, many of which extend the full width of their plot and have simple roof forms. The garden of the appeal property is substantial and a building of this scale in this location would not be inappropriate. However, to reduce the effect of the proposal on the garden of No 97 the extension to the outbuilding has been designed with a flat roof with a parapet to the front. The effect is an awkwardly shaped roof with a step in the front elevation created by the parapet. This would be overly complex given the simple form of the outbuilding. Although the building would only be visible from the rear of the appeal property and the upper floors of others close by it would not demonstrate high quality design nor complement the locality. As a consequence, it would harm the character and appearance of the site and its surroundings.
8. The Council is concerned that the tree protection measures which were approved by the permission for the redevelopment of the property have not been complied with. It was evident from my site visit that a number of the trees shown on the tree protection plan for this scheme were not in situ. The proposal shows 3 replacement trees on the boundary with No 97, which were also considered acceptable for the smaller extension of the building. I have not been provided with any evidence that the replacement trees would not be appropriate for the scheme before me. However, as I am dismissing the appeal, I have not considered this matter further.
9. I find therefore that as a result of its awkward and overly complex roof design the proposal would cause harm to the character and appearance of the area. It would therefore be contrary to BLP Policies BD1 and DMP1 which seeks to ensure that new development in the borough is of the highest architectural and urban design quality and complements the locality.

Living Conditions

10. The appeal property has been recently redeveloped and provides residential accommodation in the form of 4 flats. The garden would be sub-divided to provide amenity space for each flat. Both the permission for the redevelopment and the approved smaller extension to the outbuilding involve the subdivision of the garden in the same manner as the scheme before me.

11. The Council accepts that the amenity space that would be provided by the appeal scheme is acceptable and exceeds the minimum standards set out in BLP Policy BH13. The proposal would therefore not have any adverse effects on the provision of outdoor amenity space for future occupiers of the flats. Consequently, there would be no conflict with the policy which seeks to ensure that new dwellings are provided with adequate external amenity space.

Other Matters

12. Representations have been made which do not relate to the proposal before me. Therefore, they have not been determinative in reaching a decision.
13. I acknowledge the appellants arguments that without the extension the building would not provide adequate storage space for each flat, the cost-effectiveness of the development and the benefits of the scheme in relation to additional security and weed infestation. However, these matters do not outweigh the harm that I have found on the first main issue.

Conclusion

14. Overall, although the proposal would not have any adverse effects on the living conditions of future occupiers of the appeal property in respect of outdoor amenity space, the proposal would have a detrimental effect on the character and appearance of the appeal site and the surrounding area. Therefore, for the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR