



Appeal Decision

Site visit made on 11 April 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 June 2022.

Appeal Ref: APP/T5150/D/22/3291724

44 Kingsbury Road, London NW9 0RR

- 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 Mrs Shqipe Kurti against the decision of Brent Council.
 - The application Ref 21/3773, dated 1 October 2021, was refused by notice dated 2 December 2021.
 - The proposed development is for retention of side extension, extended front porch and pitched roof above previous flat roofed side extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development above from the Appellant's application form. Although the Appellant stated that the description of development had not changed it does appear to me to differ slightly both within Section E of the Appeal form and in the Council's Decision Notice. I have therefore used the description of development as originally submitted.

Main Issues

3. The main issue is the impact of the proposal upon the character and appearance of the Non-Designated Heritage Asset of 'Shell Cottage', 44 Kingsbury Road.

Reasons

4. The appeal property is a white rendered dwelling located along Kingsbury Road that extends to the rear of Edgware Road and leads in a westerly direction as it gently rises uphill. The surrounding area is one of a genuine mix of types of buildings from flat roof apartment developments to semi detached and mid century terrace suburban housing. The appeal property appears to be somewhat unique in this context even though it is located in physically close proximity to these other neighbouring buildings.
5. The property is recognised as a Non-Designated Heritage Asset within the Council's Locally Listed Heritage Assets in Brent document where it is identified as 'Shell Cottage'. The primary reason for recognition is the belief that the existing building is the last remaining cottage within The Hyde area that dates from the late 17th or early 18th century.

6. It appears that the property was previously rendered and contained an attractive shell motif to its modest gable feature above the front door as well as some indication of what potentially related to the building's structure within the side gable. On my site visit however I saw that any remnants of these features had been obliterated through modern render applications. The result is a building that likely has very old origins but appears thoroughly modern in its materials and fenestration with little other than the building's footprint and general form to suggest it as being of any particular antiquity.
7. The property has been previously extended¹ and has also obtained two separate planning approvals for a single storey side extension and a separate garage extension.² It is the Appellant's case that the current extensions that are subject to this appeal were implemented in the belief that they were permitted under these applications. Furthermore it is argued that the approval or these applications represents a genuine fall back position for the Appellant.
8. In assessing this appeal I am aware of the National Planning Policy Framework (The Framework) that illustrates the positive contribution that heritage assets can make to the creation of sustainable and economically viable communities and that 'Great Weight' should be given to the assets' conservation. The Framework goes on to say that the effect of an application on the significance of a Non-Designated Heritage Asset should be taken into account and that a balanced judgement is required that has regard to any harm incurred by a proposal. Similarly the Council's Residential Design Guide (SPD2) also reflects the added emphasis of The Framework in its attempt to achieve well designed places.
9. In this instance I consider that the significance of the Non-Designated Heritage Asset is largely obtained through the building's survival from the earliest days of modern settlement in this area and the contribution that this has to the sense of place and historic evolution of the area as well as any archaeological associations. I also have evidence before me that the building was historically related in some way to other contemporary cottages and nearby structures and that there was also a previous garage within the site. In light of this, I consider that the building was historically related to other structures nearby and that the principal of extensions to this site would not necessarily be in conflict with the significance of the site.
10. Despite this, although the scheme maintains a modest level of subservience with the main, historic range of the building through it being single storey, the execution of the scheme has resulted in an overly large roof form that does compete with the dominance and hierarchy of the original building. This large roof is highly visible from the streetscene and appears at a pitch and overall length that is unrelated to that of the original building. This combined with the overall lack of conformity with the Council's SPD2 guidance leads me to the conclusion that this extension does cause a level of harm to the Locally Listed Building through its lack of subservience caused by its overly large roof form.
11. In light of this, although I consider that there are ways to achieve extensions to this building that protect the remaining significance of the Locally Listed Building, the proposal before me is contrary to Policies DMP1 and DMP7 of the Development Management Policies Plan (2016) and the guidance within SPD2

¹ 14/0146 – Conversion of existing conservatory and erection of single storey and part first floor side extension.

² Application references 18/2590 and 18/4193.

regarding residential extensions. As such the significance of the Locally Listed Building is harmed and the appeal must fail.

Conclusion

12. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR