



Appeal Decision

Site visit made on 24 May 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2022

Appeal Ref: APP/T5150/D/22/3290443

67A Carlton Avenue East, Wembley HA9 8LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Mohammed Ali against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/3228, dated 22 August 2021, was refused by notice dated 18 October 2021.
 - The development proposed is erection of second and third floors with converted roof space. All elevations and the erected walls will be of face brick to match the existing. The replaced roof will match the existing pitch roof of the original roof. Removal of entire roof, erection of additional floor, and to replace the roof similar to the original roof when above the new additional floor as shown on the proposed plans and elevations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. After the date of the submission of the appeal, a court judgment was made regarding *Cab Housing Ltd & OTHERS v SSLUHC* [2022] EWHC 208 (*Cab Housing*) which raised matters relevant to this appeal. Both main parties were given the opportunity to comment on this decision and I have had regard to the comments made.

Main Issue

3. The main issue is the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

4. Paragraph AA.2.(3)(a) of the GPDO sets out matters for which the developer must apply to the local planning authority for prior approval. On this main issue, the Council refused prior approval in respect of matter (ii) the external appearance of the dwellinghouse.
5. The appellant refers to previous decisions by the Council relating to prior approval applications for similar proposals at this site. They emphasise that one of the decisions related to insufficient information being submitted regarding

- the date of the construction of the dwelling as well as the inclusion of a rear dormer, rather than the principle of external appearance.
6. Reference is also made to a Council's officer report on one of the previous applications¹ which states that the consideration of the external appearance of the dwellinghouse is limited to the design and architectural features of the principal elevation and any side elevations fronting a highway. The report also concluded that the external appearance of the additional storeys was in keeping with the existing building.
 7. In respect of the current appeal proposal, the Council's officer report sets out that its approach in respect of prior approval applications has changed. This is based on a number of appeal decisions elsewhere relating to the prior approval process which have confirmed that it is not appropriate to consider the external appearance of the building in a vacuum or in isolation and that the relationship between the appeal site and nearby properties can be relevant in considering external appearance.
 8. The circumstances of the appeal decisions referred to by the Council may not be a direct parallel to the appeal proposal. However, these decisions indicate that in respect of applications for prior approval such as the appeal before me, it is a matter of planning judgment as to whether consideration is given solely to the effect on the dwellinghouse's design and/or the effect on its relationship with the wider area. This approach is supported by the *Cab Housing* judgment, which sets out that the Council is empowered to assess and control all relevant aspects of external appearance, and not simply those which impact on the subject building. The appellant also accepts that the wider context can be a material consideration.
 9. Turning to the main issue, the appeal site is part of a residential streetscape extending along Carlton Avenue East. Although there is a mixture of designs of dwellings, the buildings are of a relatively uniform height which contributes to the pleasant suburban character of the area. The dwelling which is the subject of this appeal complements this relatively consistent roof height and scale of development, and on that basis the relationship with the wider streetscape is, in this case, relevant to the consideration of the effect of the development on the external appearance of the dwellinghouse.
 10. The proposal would significantly increase the height of the dwellinghouse. Due to the projection above neighbouring properties, this would introduce a jarring and discordant element into the relatively consistent scale of suburban development. The side walls of the extension would be readily apparent above the neighbouring buildings, and the scale of the upwards projection would give the building a vertical emphasis of an awkward and incongruous appearance. Although the design of the extension would reflect the existing front elevation and roof, this would not be sufficient to overcome the harm arising from the increase in height and prominence.
 11. For the above reasons, I conclude that significant harm would be caused to the external appearance of the dwellinghouse, with consequent harm to the character and appearance of the area. The proposal would therefore not comply with the condition set out in Paragraph AA.2.(3)(a)(ii) of the GPDO with regards to the approval of external appearance. The GPDO sets out that regard

¹ Case No. 21/0638

should be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval. Due to the identified harm, the proposal would conflict with the Framework in respect of achieving well-designed places.

12. For the reasons given, the appeal should be dismissed.

David Cross

INSPECTOR