



Appeal Decision

Site visits made on 25 November 2021 and 12 January 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/T5150/W/21/3277506

10A Carlyon Road, Wembley HA0 1HN

- 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 S Ansari (Ansari Properties LLP) against the decision of Brent Council.
 - The application Ref 20/3034, dated 23 September 2020, was refused by notice dated 22 December 2020.
 - The development proposed is the demolition of outbuilding and erection of single storey dwelling with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Decision Notice refers to the London Plan 2016 and the Brent Development Management Policies 2016, which have since been superseded. The parties have been given the opportunity to comment on the updated policy position and their comments have been taken into account, where received.

Main Issues

3. The main issues are the effect of the development on: the character and appearance of the host dwelling and surrounding area; the living conditions of neighbouring occupiers at Nos. 10A-E Carlyon Road with regards to outlook and the provision of external amenity space; the living conditions of future occupiers with regards to outlook and privacy; and highway safety.

Reasons

Character and Appearance

4. The site comprises flat-roof outbuildings to the rear of No. 10 Carlyon Road, an end of terrace property at the junction with Seaton Road, divided into flats. The area is primarily residential. While a modern apartment block is present nearby, most surrounding dwellings share a level of consistency in traditional design and character, with hipped roof forms and similar external materials.
5. The proposal would replace the outbuildings with a single storey dwelling. It would retain a flat roof and be finished with slatted timber of varying heights that, while slightly screened by the boundary wall, would remain seen from Seaton Road. Rather than being experienced in conjunction with the nearby apartment block, it would primarily be viewed alongside the more traditional residential dwellings, such that it would appear overtly modern in this context.

6. Although the current frontage on Seaton Road comprises a variety of materials and finishes that would be replaced, the proposal would nonetheless introduce additional elements and features that are not characteristic of the immediate locality. Its design and materials would fail to respond to the immediate context and character, while the roof form would not blend with surrounding dwellings. Overall, its introduction would erode the largely consistent design present among this group of dwellings, appearing out of place.
7. The proposal would mirror other outbuildings in terms of scale and roof form, and garden buildings are often different from the main dwelling. However, as a separate dwelling it would be distinguished from surrounding outbuilding uses, while its design would also fail to relate to neighbouring residential properties. As such it would read as an incongruous addition. While acknowledging the tight grain of surrounding development, the proposal would also result in an uncharacteristically modest plot for a residential dwelling in the area, which would read as cramped and overdeveloped in context.
8. For the reasons given above, I find that the proposal would have a significant adverse effect on the character and appearance of the surrounding area. As such, it would fail to comply with Policies DMP1 and BD1 of the Brent Local Plan 2019-2041 (the Local Plan), which seek to ensure good design.

Living Conditions – Carlyon Road

9. Given the proximity of the proposal to No. 10 Carlyon Road, its presence would inevitably create a change in outlook from the rear habitable windows of the flats at this property. However, the present outlook is somewhat diminished, comprising numerous structures of limited architectural merit, some of which would be removed. This change, combined with the elevated position of Nos. 10C-E, would ensure that the outlook from these three flats would not be unduly impacted by the proposal.
10. However, the proposal would be particularly close to the rear habitable windows at Nos. 10A-B. It would replace the outbuilding present and introduce solid built form closer to the rear of these flats and a boundary fence with limited set back from these windows due to the modest rear gardens proposed. Despite its sloping nature the cladding, while tapered and open, would also introduce a further element of height in this location.
11. Even acknowledging the removal of other structures, due to the scale and proximity of various elements of the proposal it would read as a dominant feature from the rear habitable windows of Nos. 10A-B, resulting in a restricted outlook. In this sense, it would overall appear overbearing from these locations, reducing the residents' enjoyment of the associated rooms.
12. The proposal would result in the subdivision of the amenity space at Flats 10A and 10B. The Council has referred to Policy BH13 of the Local Plan. However, this refers to new dwellings. Nonetheless, the rear gardens at these properties would be significantly reduced to extremely constrained dimensions that would compromise functionality. The overall usability of the spaces would be limited and unlikely to comfortably support the outdoor uses reasonably expected, such as sitting out, hanging out washing or the placing of other outdoor residential paraphernalia. It would therefore not be sufficient to meet the needs of the occupiers of Flats 10A-B.

13. The reasons for refusal also refer to loss of privacy for the existing occupiers. However, due to the single storey nature of the proposal and the boundary fence between it and the surrounding dwellings, there would be no significant actual or perceived overlooking of existing properties because of the proposal.
14. While I have concluded that the proposal would not have a significantly adverse effect on the living conditions of Nos. 10C-E Carlyon Road with regards to outlook or of residents of surrounding properties with regards to privacy, I find that it would have a significant adverse effect on the living conditions of the residents of Nos. 10A and 10B with regards to outlook and provision of outdoor space. As such, it would fail to comply with Policy DMP1 of the Local Plan, which seeks to ensure adequate living conditions.

Living conditions – Future Occupiers

15. Due to the positioning of the proposal within the site, its front elevation would face Seaton Road, separated from the street by a boundary wall. As a result of the site's overall modest dimensions this wall would be located close to, and clearly visible from, the front elevation windows of the proposed dwelling.
16. While limited views would be possible over the boundary and the garden would also be visible, the front glazing would look primarily towards the nearby wall creating an overall oppressive outlook. Due to its height and proximity the wall would appear as a dominant and overbearing feature, restricting the outlook, creating an enclosed feeling and reducing the occupiers' enjoyment of the associated rooms.
17. Reference has been made to Brent Design Guide SPD1 which advises that a distance of 9 metres is kept between gardens and habitable rooms. While this is guidance it remains that there would be limited separation between the garden of the proposal and the rear of No. 10. As such, upper habitable windows at No. 10 would have clear views into the garden, leading to actual and perceived overlooking that, even in this tight knit area, would be so significant as to unduly impact future residents' enjoyment of the space.
18. For the reasons given above I find that the proposal would have a significant adverse effect on the living conditions of future occupiers, with regards to outlook and privacy. As such, it would fail to comply with Policy DMP1 of the Local Plan, which seeks to ensure adequate amenity and living conditions.

Highway Safety

19. Applicable parking standards are set out in Policy BT2 and Appendix 4 of the Local Plan, which refers to Policy T6 of the London Plan 2021. These are maximum parking standards based on the location and size of the development. I have been provided with limited evidence on the Public Transport Accessibility Level of the site. However, in proposing no off street parking, the proposal nonetheless complies with this policy which requires development to be designed with the minimum necessary parking.
20. Although the Council states that the site does not have good access to public transport, the appellant has submitted information to demonstrate otherwise. It has been shown that a bus stop and underground station are located within easy walking distance, which I observed on my visit. Given this connectivity to public transport, a lack of car ownership would be a realistic possibility for future occupiers of the proposal.

21. In addition, while it represents a snapshot in time, I observed on my site visit that Seaton Road and the surrounding streets are somewhat heavily parked but that spaces did remain. Given the likely occupation levels of the proposal I do not consider that it would give rise to a level of demand for on-street parking that could not be accommodated within the surrounding streets.
22. Therefore, the submitted evidence does not lead me to believe that the additional parking demand generated by the proposal would result in unacceptable parking pressure or in harm to the safety or operation of the surrounding highway network.
23. For the reasons given the proposal would not result in significant adverse effects to highway safety. As such, it would comply with Policy BT2 of the Local Plan.

Other Matters

24. While not part of the reasons for refusal, the Officer's Report refers to outlook and light at No. 12 Carlyon Road. However, the main outlook from No. 12 towards its rear garden would be largely unchanged, while the additional built form along the boundary would not appear so significant from the outdoor space as to be overbearing. The sloping nature of the slats and spacing between them would also ensure light reaching these spaces would not be significantly reduced.
25. The Officer's Report also refers to a lack of information on storage for bicycles and waste. However, had the proposal been acceptable in all other aspects this could have been addressed by an appropriately worded condition such that occupation of the proposal would not occur until full details of these were submitted to and approved by the Council.
26. There are no objections from neighbouring residents. Notwithstanding that, it is necessary to ensure that surrounding character is respected and that adequate living conditions are maintained. Consequently, the lack of an objection is not sufficient to outweigh the harm identified above.
27. I acknowledge that the physical condition of the site would be improved to a certain degree by the removal of some of the current structures and the boundary treatment. Nonetheless, overall the proposal would cause harm in terms of its impact on character and appearance and living conditions. I do not consider that there is no alternative scheme or development that could achieve this same aim without causing such harm, and as such attach limited weight to this benefit of the scheme.
28. Reference has been made to similar development in comparable areas. However, limited information has been provided. While consistency in decision making is important, this appeal is decided on its own site-specific circumstances and reference to other development nearby does not outweigh the harm identified above.
29. The proposal would contribute to housing provision, which is supported by local and national policy which seek to boost the supply of housing. However, due to the single dwelling nature of the proposal these benefits are limited and do not outweigh the harm identified above.

Planning Balance and Conclusion

30. I have found that the proposal would not have a significantly adverse effect on highway safety and the living conditions of Nos. 10C-E and 12 Carlyon Road or of residents of surrounding properties with regards to privacy. However, taken together with the limited weight afforded to the lack of objections, reference to other development and housing contribution, this does not outweigh the other significant harm identified to the character and appearance of the surrounding area and to the living conditions of future occupiers and the occupiers of Nos. 10A-B Carlyon Road.
31. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR