



---

# Appeal Decision

Site visit made on 19 July 2022

**by E Grierson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 August 2022**

---

**Appeal Ref: APP/T5150/W/22/3292703**

**29 Dollis Hill Avenue, London NW2 6EU**

- 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 Madeleine Barnett against the decision of London Borough of Brent.
  - The application Ref 21/2852, dated 23 July 2021, was refused by notice dated 25 November 2021.
  - The development proposed is the erection of a detached one and half storey dwelling house with lower ground floor.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. In February 2022 the Council adopted a new Local Plan and have confirmed that the Brent Development Management Policies Plan (2016), referenced within the decision notice, has been revoked and that the relevant policies for this appeal are Policies BD1, BH1, BH4, BH13, BT2, BSUI4, BGI2 and DMP1 of the Brent Local Plan 2019-2044 (the BLP) 2022. The appellant had the opportunity to comment on the BLP, along with The London Plan (the LP) 2021, against which I have assessed the scheme.

## Main Issues

3. The main issues are the effect of the proposed development on:
  - the character and appearance of the host dwelling and the surrounding area, and
  - the living conditions of the occupiers of the neighbouring dwellings, in relation to outlook.

## Reasons

### *Character and Appearance*

4. The appeal site is occupied by a semi-detached dwelling facing Dollis Hill Avenue with a long rear garden extending back to Dollis Hill Lane. The properties directly surrounding the appeal site have similar long gardens which also extend to Dollis Hill Lane. Although there are some small outbuildings to the rear of these gardens, including at the appeal site, due to the sloping ground levels these have limited visibility from the road. The lack of substantial built form along this section of the road and well established landscaping

creates an open and verdant rear garden environment. Whilst the existing boundary fence is a relatively blank feature along Dollis Hill Lane, its is not an unattractive feature and has a neutral impact on the overall streetscene.

5. Although the first floor of the proposed dwelling would be located within the mansard roof which is set back slightly from the front elevation, this would still have a significant height and bulk which would result in a dwelling with a more traditional two-storey height and appearance. This would be much larger than the existing single storey outbuilding on the appeal site and others within the immediate surrounding area. Although modern in design, the size and bulk of the proposed dwelling compared to the other surrounding buildings, along with its visibility, would create a highly prominent addition to the streetscene and from the existing properties on Dollis Hill Lane, to the detriment of the character and appearance of the area.
6. Furthermore, its location would be isolated from other dwellings in the area, with a significant separation distance between the appeal site and the other existing dwellings on the southern side of Dollis Hill Lane. This would result in a development which is discordant from its surroundings and an overly dominant addition to the area and the host property, to the detriment of the current open rear garden environment.
7. Therefore, the proposed development would cause unacceptable harm to the character and appearance of the host dwelling and the surrounding area. It would therefore conflict with the Policies DMP1 and BD1 of the BLP and Policies D3 and D4 of the LP. These collectively seek to ensure that development is of the highest urban design quality, complements the locality and positively responds to local distinctiveness through their layout, orientation, scale and appearance, with due regard to existing street hierarchy.
8. The proposed development would also be contrary to the Brent Design Guide Supplementary Planning Document (SPD) 2018 which states that new development should be integrated within the existing settlement and reflect the existing character.

#### *Living Conditions*

9. The Brent Design Guide SPD outlines a 30 degree rule and a 45 degree rule to protect the privacy and amenity of existing residents from new development. The development would comply with the 30 degree rule but would marginally fail the 45 degree rule. This rule states that where proposed development adjoins private amenity/garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres.
10. The proposal would be taller than a typical residential outbuilding and would appear prominent from the neighbouring gardens. However, due to the length of the gardens in this area, it would be set a considerable distance from the neighbouring properties and the vast majority of their garden space. Therefore, whilst it would not meet the 45 degree rule outlined in the SPD, the proposed development would not be an overbearing addition or have a significant impact on the outlook of neighbouring occupiers.
11. Therefore, the proposed development would not harm the living conditions of the occupiers of the neighbouring dwellings and would accord with the relevant

sections of Policy DMP1 of the BLP. This policy, amongst other things, seeks to ensure that the location of the development provides high levels of external amenity and does not unacceptably increase exposure to forms of general disturbance.

### **Other Matters**

12. No up to date evidence has been provided by either party to show whether the Council can or cannot demonstrate a five year supply of deliverable housing sites, as stipulated in footnote 8, paragraph 11(d) of the National Planning Policy Framework (the 'Framework') after the adoption of the BLP. However, in their evidence, the appellant has indicated that the Council does not have sufficient land to meet the objectively assessed housing need, referring to figures from an Annual Monitoring Report from 2019-2020. On this basis, they consider that the test in paragraph 11(d) of the Framework should be applied.
13. The development would add to the overall housing land supply and make efficient use of the land in a sustainable location in close proximity to services and facilities. However, the benefits derived from an individual dwelling would be limited and this carries limited weight. Therefore, even if I were to conclude there is a shortfall in the housing land supply, given the harm that I have identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of one dwelling when considered against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposal.
14. The appellant has suggested that the proposal could be a catalyst for the further development of this section of Dollis Hill Lane, with similar dwellings located in the rear gardens of neighbouring properties. However, no evidence has been provided to show that any planning applications have been submitted, that the neighbouring occupiers are considering such development or that this would be acceptable. Therefore, this is given no weight in my assessment of the appeal. The appellant also indicates that the proposal would provide natural surveillance to the streetscene. However, surveillance is currently possible from the properties on the other side of Dollis Hill Lane and therefore this would not result in any additional benefit to the area.
15. It is noted that the proposal received no objections from the occupiers of neighbouring dwellings. However, this is a neutral factor which would not outweigh the harm found. The evidence suggests that the Planning Officer may have been minded at one point to grant planning permission. However, the delegated officer report provided with the appeal clearly states that the recommendation was to refuse. It is not necessarily unusual for views to change during the consideration of an application. Moreover, as planning permission was subsequently refused, this has had no bearing on my consideration of the appeal.

### **Conclusion**

16. Although the proposal would not harm the living conditions of the occupiers of the neighbouring dwellings, it would unacceptably harm the character and appearance of the host dwelling and the surrounding area. Therefore, for the reasons given above and having had regard to all other matters raised, the

proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

*E Grierson*

INSPECTOR