



Appeal Decision

Site visit made on 27 September 2022

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th October 2022

Appeal Ref: APP/T5150/W/22/3299126

10B Kingsley Road, London NW6 7RJ

- 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 Piramo Vyas against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/0191, dated 20 January 2022 was refused by notice dated 18 March 2022.
 - The development proposed is L-shaped dormer loft conversion, floor plan redesign and all associated works.
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Decision

1. The appeal is allowed and outline planning permission is granted for a development described as 'L-shaped dormer loft conversion, floor plan redesign and all associated works' at 10B Kingsley Road, London NW6 7RJ in accordance with the terms of the application, Ref 22/0191, dated 20 January 2022, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, B94581-1000A, B94581-3000A and B94581-1500A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal concerns a flat which is situated on the first-floor of an older style terraced property. Because other properties in this part of Kingsley Road are of a broadly similar design, the street frontage in this area maintains a relatively consistent appearance. A number of nearby streets, including Douglas Road, also contain older style terraced properties, further reinforcing the consistent nature of the local street scene.
4. Although the front elevations of the properties in Kingsley Road are clearly visible, I saw on my visit that the rear elevations are not easily seen from any

- public vantage points. In this case, the proposed development would mainly affect the rear of the appeal property and so would have very little impact on the street scene within Kingsley Road or elsewhere in the vicinity.
5. The proposed development would be most easily seen from the rear of some adjoining dwellings in Kingsley Road and from the rear of dwellings directly opposite in Douglas Road. As the proposal would involve building on top of the rear outrigger and enlarging the existing dormer, it would add bulk to the rear of the appeal property and change the original form of the building.
 6. However, the rear elevations of properties in this part of the terrace are relatively inconsistent. Indeed, there are a number of outrigger extensions and large dormers on the rear elevations of properties in both Kingsley Road and Douglas Road and some of these bear close similarities to the scheme being proposed in the current appeal. It therefore seems to me that the proposed development would be in keeping with the prevailing character to the rear of the appeal property, both in terms of its built form and use of materials. Although some of the nearby extensions may be unauthorised, or implemented under permitted development rights, they are nonetheless enduring features that contribute to the present character of the terrace.
 7. Hence, although the proposed development would not directly comply with the provisions of the Supplementary Planning Document¹, it would not undermine the architectural balance of either the appeal property or the adjoining terrace. My findings are based on the individual circumstances of this particular case and I envisage that the Council would be able to resist any similar proposals which could be shown to be harmful.
 8. In reaching my decision, I have taken into account the concerns raised by a neighbouring occupier regarding potential structural damage to their property. Although I understand these concerns, there is little technical evidence before me to indicate that the proposed works would necessarily cause structural damage in the manner suggested. In any event, my decision in this appeal is purely based on the planning merits of the case. Any subsequent damage to adjoining properties would be a private legal matter.
 9. I conclude that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policy D4 of the London Plan², Policy DMP1 of the Brent Local Plan³ or the overall objectives of the Brent Design Guide SPD⁴ and National Planning Policy Framework. Together, these all aim to achieve appropriate standards of design.

Conclusion

10. The appeal is allowed. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To protect character and appearance there is also a condition requiring use of the materials specified in the plans.

C Cresswell

INSPECTOR

¹ Brent Residential Extensions & Alterations SPD 2, Jan 2018

² The London Plan, March 2021

³ Brent Local Plan 2019-2041

⁴ Brent Design Guide SPD 1, Nov 2018