



Appeal Decision

Site visit made on 21 September 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2022

Appeal Ref: APP/T5150/W/22/3292900

52 Park Lane, Wembley HA9 7RZ

- 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 Jocelyn Anita John against the decision of London Borough of Brent.
 - The application Ref 21/4144, dated 2 November 2021, was refused by notice dated 14 January 2022.
 - The development proposed is described as 'replacement of an outbuilding with a single storey dwelling with accommodation in the loft including parking space, bin and bike stores'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the time of the Council's decision a new development plan has been adopted. Therefore, Policy CP17 of the Brent Core Strategy 2010 and Policy DMP1 of the Brent Development Management Policies Plan (2016) referred to in the decision have been replaced by the Brent Local Plan 2022 (BLP). I have considered the developments against policies BD1, BH1, BH13, BT2 and BT4 of the BLP which the Council consider are relevant. The appellant has had the opportunity to comment on them.
3. I note the appellant's comments regarding the Council's description of the development, I have assessed the proposal on the basis of the description on the planning application form and submitted plans.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the development upon the living conditions of occupiers of 1-3 Clarendon Gardens, and 46-52 Park Lane, having particular regard to light, outlook, and privacy; and
 - living conditions of future occupiers, having particular regard to outlook, light and floor to ceiling heights.

Reasons

Character and appearance

5. The appeal site includes a large 2 storey semi-detached dwelling set on a corner plot at the junction of Clarendon Gardens and Park Lane. The proposed dwelling would be sited on land which forms part of the rear garden of 52 Park Lane (No 52), which lies behind 1 Clarendon Gardens (No 1). The site is located within a predominantly residential area where the existing properties vary in size and architectural style. They are similar in that they are all set a comparable distance from the highway with gardens to the rear and generally have a presence within the street scene, which creates a strong pattern and grain of development. The exception to this is No 1 which occupies a much smaller plot and sits in close proximity to its rear boundary.
6. The proposed dwelling would sit behind both No 52 and No 1. It would introduce a dwelling within the backland area to the rear of the properties which, apart from a single storey ancillary domestic outbuilding, is currently free from built form. This would be in marked contrast with the existing pattern of development. Furthermore, the lack of street frontage that the dwelling would have, would be out of character and incongruous with the form of the existing development.
7. The proposed dwelling and its garden would take up a large proportion of the existing rear garden to No 52. It would be significantly greater in size and scale than the outbuilding it would replace and would occupy a different position on the site. The resulting plot sizes of the existing and proposed dwelling would be smaller than those in the immediate vicinity, with the exception of No 1, which is an anomaly. As a result of the scale of the dwelling and resulting plot sizes, the development, which would also be visible between the existing buildings from the public realm, would appear as cramped and consequently would be at odds with the prevailing character of the area.
8. I find therefore that the proposal would represent an unacceptable form of development that would be incompatible with the surrounding pattern of development. As such, it would significantly harm the character and appearance of the area, contrary to BLP Policy BD1 which requires, among other things, new development to be of the highest architectural and urban design quality. It would also conflict with the aims of the Brent Design Guide Supplementary Planning Document 1 2018 (the SPD) in so far as it requires that new development should respond to the local context and respect the existing character of the streetscape.

Living conditions of occupiers of neighbouring properties

9. As a consequence of the siting and height of the development, set in from the side boundary and at a lower ground level than the neighbouring property at 3 Clarendon Gardens (No 3), it would not appear unduly overbearing when viewed from the openings in the rear elevation of No 3 or its garden. As such the development would not harm the living conditions of the occupiers of No 3 through loss of outlook or light.
10. The boundary treatment between the appeal site and the rear elevation of No 1 restricts the existing outlook from No 1 towards the appeal site to a degree. Nevertheless, given the height, scale and close proximity of the proposed

dwelling to the rear elevation of No 1, the front elevation of which would extend almost the entire width of the rear elevation of No 1, the development would form an unduly dominant and imposing feature when viewed from the windows in the rear of the property as well as when within the rear garden.

11. Whilst the side elevation of the proposed dwelling which would face the rear elevation of No 52 is narrower, it would be of a considerable scale and bulk, sited only a short distance from the rear elevation of No 52. Accordingly, it would be highly conspicuous in views from both the windows in the rear elevation of No 52 and its remaining rear garden space and as such would harm the living conditions of the occupiers of No 52 having regard to outlook.
12. Despite the presence of boundary fences and a degree of soft landscaping to the rear between the properties, the proposed dwelling would be clearly visible in views from the rear windows at 50 Park Lane (No 50) and its rear garden. Any direct effect on light and outlook in relation to the rear windows in No 50 would be reduced due to the orientation of the proposed dwelling and separation distance between it and the rear elevation of No 50. Nevertheless, despite the siting, as a result of the scale of the building, it would appear as a visually prominent feature when viewed from No 50 and its rear garden, which would harm the living conditions of the occupiers of No 50.
13. As a consequence of the greater separation distance between Nos 46 and 48 and the appeal site, as well as the orientation and bulk of the proposed building, it would not appear unduly visually imposing when viewed from these properties or lead to a loss of light.
14. There would be no first floor windows in the side elevations of the proposed dwelling. The first floor rooflights to the front elevation would not result in any overlooking of the neighbouring properties. However, the 2 first floor bedroom windows in the rear elevation, in close proximity to the rear boundary of the site, would result in direct overlooking of the adjoining rear garden to No 50. Whilst the garden is in an urban setting where a degree of overlooking is commonplace, the proposed development would further exacerbate this and would result in an unacceptable degree of direct overlooking.
15. Whilst I note the appellant's suggestion that any windows giving rise to a loss of privacy could be conditioned to be obscured glass, given that these windows would serve bedrooms I do not agree that this would be an appropriate solution.
16. Given the greater separation distance between the first floor windows and the garden at 46 Park Lane (No 46), together with the intervening garden to No 50, there would be no direct overlooking of No 46. Due to the orientation of the proposed dwelling, any view from the bedroom windows towards windows in the neighbouring properties would be at an oblique angle. As such the proposal would not give rise to any overlooking or loss of privacy as a result of direct facing habitable room windows.
17. In light of the above, I conclude that the proposal would harm the living conditions of occupiers of No 1, No 52 and 50 through loss of outlook and No 50 through overlooking of the rear garden. Accordingly, the proposal would conflict with the aims of the SPD which sets out that new development should protect the privacy and amenity of existing residents, as well as advice in the

Framework which seeks to ensure that developments have a high standard of amenity for existing and future users.

Living conditions of future occupiers

18. The proposed dwelling includes a ground floor living room and bedroom window in the front elevation which would be located only a short distance from the site boundary with No 1. The windows would be the only windows to serve these rooms. The very limited separation distance between the windows and the site boundary, as well as the height and scale of No 1, which lies in close proximity to the site boundary, would severely restrict light and outlook of future occupiers of the proposed dwelling. Furthermore, from the information before me I cannot be certain that the proposal would provide an adequate floor to ceiling height in order to ensure that it would not result in sub-standard accommodation.
19. The fact that the proposal would provide adequately sized rooms in terms of internal floor areas and would have an adequate level of private outdoor space would not outweigh the harm set out above.
20. I therefore conclude that the proposal would fail to provide acceptable living conditions for future occupiers, having particular regard to outlook and light. In addition, in the absence of any detailed information relating to floor to ceiling heights, the development would fail to accord with Policy D6 of the London Plan 2021, which requires housing development to be of a high quality design and fit for purpose, including providing sufficient daylight and sunlight and achieving a minimum floor to ceiling height of 2.5m.

Other Matters

21. Whilst I am sympathetic to the fact that the appeal proposal is a resubmission taking into account issues previously raised by the Council, I can only assess the current proposal on the basis of the information before me.
22. The appellant has suggested that the proposed development would have a positive effect on the area's housing supply and would be of a sustainable design and in an accessible location close to nearby local services and public transport links. Delivery of housing is a key objective of the BLP, which additionally recognises the role of windfall sites in meeting this objective. The Framework also seeks to boost significantly the supply of housing. However, the benefits associated with one extra unit would be modest. Conversely, I have found harm relating to the character and appearance of the area and the living conditions of the occupiers of neighbouring properties as well as future occupiers of the dwelling and the weight I attribute to those would be substantial.
23. Even if it were the case that the existing outbuilding was redundant and its condition was such that it did not make a positive contribution to the character and appearance of the area, I have found that the proposal would cause lasting demonstrable harm.
24. The appellant has brought my attention to a number of other examples of similar development in the area. Nevertheless, the precise details of each case are not before me that I may be able to draw comparisons with the appeal scheme such that my conclusions thereon may change. In any case, each development proposal is to be considered on its own merits.

Conclusion

25. For the reasons given, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

Emma Worley

INSPECTOR