



Appeal Decision

Site visit made on 19 October 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2022

Appeal Ref: APP/T5150/W/22/3296286

140 & 142 Abbotts Drive, Wembley HA0 3SJ

- 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 Sofianos Matsangos against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/4296, dated 20 November 2021, was refused by notice dated 19 January 2022.
 - The development proposed is described as a "joint full planning application for nos. 140 & 142 Abbotts Drive to erect a gable end loft conversion with 1m set back rear dormer."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision on the planning application, the Brent Local Plan 2019-2041 (2022) (the Local Plan) has been adopted (February 2022). As a result, the policies referred to on the Council's decision notice have been replaced with policies DMP1 and BHC1 of the Local Plan. As the protection of local characteristics aims of both sets of policies are similar, I am satisfied that no interested party will be prejudiced by basing my decision on the recently adopted policies.
3. On the application form, 140 Abbotts Drive (No 140) is listed as the address. However, it is clear from the description of development and the submitted plans that the appeal site also includes 142 Abbotts Drive (No 142). I have therefore amended the address in the banner heading to reflect this.
4. Whilst I have been referred to extracts from Planning Policy Guidance Note 15 – Planning and the Historic Environment (1970), this was superseded in 2010 by Planning Policy Statement 5: Planning for the Historic Environment (PPS5). In 2012, PPS5 was also superseded by the National Planning Policy Framework (the Framework). Therefore, I have determined this case based on the Framework as the relevant policy in place at the time of my decision.

Main Issue

5. The main issue of this appeal is whether the proposed development would preserve or enhance the character and appearance of the Sudbury Court Conservation Area (SCCA).

Reasons

6. As the appeal site is located within the SCCA, I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 197 of the Framework has a similar aim and seeks to ensure that new development makes a positive contribution of local character and distinctiveness.
7. Designated in 1990 and subsequently extended in 1993, the significance of the SCCA, as defined in the Sudbury Court Conservation Area Appraisal (2006) (the Appraisal) relates to the design of the buildings as well as the street setting and streetscene. Whilst all the buildings form part of a planned estate, they are individually designed and constructed with matching materials, features, details and similarly shaped plan forms. Whilst roofscapes vary, most buildings have steep hipped roofs with carefully articulated eaves. Although there are differences in the plot layout such as shared or private driveways, no significant changes in character or the definition of distinct character zones were identified across the SCCA within the Appraisal.
8. Located within the revised SCCA boundary, the two semi-detached properties on the appeal site have different frontage features that reflect the variety of elevations and roofscape characteristics of buildings across the SCCA. Positioned either side of a shared driveway, both properties have hipped main roofs with differing black and white timber gable projections; No 140 with a wider front gable sloping down to the porch whilst No 142 incorporates a double height gabled bay.
9. The Sudbury Court Conservation Area Design Guide (2015) (the Design Guide) seeks to resist hipped to gable end roof conversions as they result in harm to the character and appearance of the house and streetscene. Although no rooflights are proposed at the front and the gap between the properties is maintained, the appeal scheme would replace the sloping roofscapes with bulky and dominant roof conversions. This would unbalance the properties respective semi-detached pair and introduce an incongruous form into the streetscene.
10. Although the proposed development would create a symmetry line between the two properties, this would only be evident to the rear where some similarities in elevations are visible. Regardless, the individual designs of the properties make a positive contribution to the significance of the SCCA. Despite being set away from the ridge and eaves, the full width dormers to both properties, being twice the width recommended in the Design Guide, would dominate the roofscapes. The fact that the total volume of the proposed dormers would be less than what maybe permissible using permitted development rights outside the SCCA, whilst frustrating for the appellant, is not determinative in this case. Additionally, the use of suitable materials, good workmanship and sensitive detailing in the proposed development, or the predominately glazed rear dormers do not make the appeal scheme acceptable.
11. The appellant considers that the Article 4 Direction across the SCCA seems unfair, particularly as other properties in Abbots Drive, outside the SCCA, are not subject to the same restrictions. As set out in the Appraisal, the pressure to extend homes has resulted in the SCCA suffering from "a decline in character caused through works carried out under permitted development." Therefore, the restriction of insensitive development is necessary to maintain the

significance of the SCCA and resist the further dilution of its character. The appellant argues that a 'preserving at all costs' approach could lead to fewer owner-occupiers in the area, and run down or neglected properties. However, I observed limited evidence of this at the time of my site visit.

12. My attention has been drawn to several other extended and altered properties within the SCCA, which I observed during my site visit. I appreciate that the these appear to be 'anomalies' in the SCCA, and result in an unbalanced form or, in some, create a terracing effect in the streetscene. However, I am unaware of the particular circumstances or if they were in place prior to the designation of the SCCA or Article 4 Direction. Notwithstanding this, none of the examples I viewed comprise a hip to gable end roof extension nor a full width rear dormer window.
13. I therefore conclude that the proposed development would not preserve or enhance the SCCA and would cause unacceptable harm to the character and appearance of the area. It would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies DMP1 and BHC1 of the Local Plan. These policies, amongst other aspects, require development to complement its locality and conserve, or where possible, enhance the significance of the borough's heritage assets. It would also conflict with the guidance contained within the Design Guide.

Other Matters

14. I note neighbours have expressed an interest in similar development to their properties, and an objection letter to the recent review of the Article 4 Direction has gained significant support. These are not reasons to permit unacceptable development. The lack of objections from occupiers of specific parts of the SCCA does not change my assessment of the appeal.
15. Although the appellant wishes the SCCA to be reviewed, this is not a matter for me to consider as part of this appeal. Additionally, I am unable to consider a request to remove the Article 4 Direction that covers the area.

Planning Balance and Conclusion

16. I have found that the proposed development would fail to preserve the character and appearance of the SCCA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
17. Having regard to the advice in the Framework, I find the proposed development would result in less than substantial harm to the character and appearance of the SCCA. As advised by paragraph 202 of the Framework, less than substantial harm should be weighed against the public benefits of the development. The proposed development would provide additional space for the occupiers. However, this would not amount to a public benefit that outweighs the harm identified above.
18. For the above reasons, and having regard to all other matters raised, I conclude that that appeal should be dismissed.

Juliet Rogers

INSPECTOR