



Appeal Decision

Site visit made on 28 November 2022

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2022

Appeal Ref: APP/T5150/W/22/3300561

35 Barn Rise, Wembley HA9 9NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr John Saunders against the decision of the Council of London Borough of Brent.
 - The application Ref 21/4631, dated 19 December 2021, was refused by notice dated 25 February 2022.
 - The development proposed is demolition of detached garage on site and erection of adjoining two storey dwellinghouse (2 bed), widening of existing vehicular access, formation of 3 car parking spaces and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of detached garage on site and erection of adjoining two storey dwellinghouse (2 bed), widening of existing vehicular access, formation of 3 car parking spaces and associated landscaping at 35 Barn Rise, Wembley HA9 9NH in accordance with the terms of the application, Ref 21/4631, dated 19 December 2021, subject to the conditions set out on the attached schedule.

Procedural Matters

2. The Council's Decision Notice refers to Policies contained within the Brent's Development Management Policies 2016 and also Brent's emerging Local Plan. The Brent Local Plan has since been adopted and has therefore superseded the Policies contained within the Brent's Development Management Policies 2016. I have been provided with a copy of the adopted Brent Local Plan Policy cited in the Decision Notice. For the purpose of this appeal, it is not materially different from the policies previously referred to and I have determined the appeal in accordance with up-to-date policy.

Main Issues

3. The main issues of the appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Barn Hill Conservation Area (CA); and
 - Whether the proposed development would provide an adequate standard of residential accommodation for future occupiers with particular regard to the size and accessibility of the proposed dwelling.

Background and Reasons

4. The appeal follows a previously refused appeal for a similar form of development which related to a two-storey side extension, and I have been provided with full details of this previous appeal. The current appeal scheme before me has however been revised including the reduction in size of the proposal from a 3 bed dwellinghouse to a 2 bed as well as the reduction in width resulting in a larger visual gap between properties. The size of the hardstanding to the front has also been reduced, with the retention of a greater amount of natural landscaping.

Character and appearance

5. The appeal property is a two-storey detached dwelling with a single storey detached garage located within a residential setting.
6. The site lies within the CA and as such, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the CA. I have had regard to paragraph 199 of the National Planning Policy Framework (the Framework) in terms of giving great weight to the CA's conservation.
7. The CA is noted for its attractive hill-side setting overlooking Wembley Stadium, Wembley Town Centre and Harrow on the Hill further in the distance. This, coupled with the architectural quality of the generally mock-Tudor styled houses establishes the area's very special character. The relationship between the layout of the roads and the positioning of houses sets the area apart from other residential areas. The site's significance is derived from its role and collective contribution to the street scene along with other similar properties.
8. Whilst the extension would be visible from Barn Rise, its ridge height would sit at a lower level in relation to the host property with an overall design similar and complementary to that of the main property. This, together with the width which now provides a larger visual gap between properties and its set back form would enable the main dwelling and extension to read as a cohesive whole.
9. The proposed development would increase the overall footprint of the property and would be a breach against the guidelines set out within the Barn Hill Conservation Area Design Guide. However, for the above reasons, the proposed development does not conflict with the overall principle of the guidelines which amongst other matters, seek to ensure side extensions are of a size and scale that is subservient to the original house. Additionally, the presence of other larger buildings in the vicinity means that it would not be particularly prominent or dominate the overall appearance of the area nor be uncomfortable within its context.
10. Properties located along Barn Rise are generally set back from the street with garden areas and parking to the front and whilst there is a clear and consistent pattern of development, there are various sizes and styles of properties including different garage configurations as well as varying gaps between properties. The proposed development, given its position to the side elevation as well as its overall design, would not be at odds with the pattern of development in the area and the attractive rhythm of properties would remain. Additionally, the proposed development would retain a 1.8 metre visual gap between properties which whilst breaching the guidelines of the Design Guide, the shortfall is a very minimal amount, and the proposed gap is in keeping with

others in the area and would preserve views between houses, thus not creating a terracing effect.

11. The proposed development would provide an area of hardstanding to the front to accommodate car parking and cycle storage. The site already benefits from a driveway and a good proportion of the front amenity space would still be landscaped. Additionally, the plans provided show further soft landscaping on all sides of the hardstanding area which would further reduce any visual impact even taking into account the required width up to the cycle parking area and around the side of the dwelling. In any event, the size of the hardstanding proposed would be consistent with that found at comparable nearby properties and would not, therefore, appear discordant. The characteristic greenness of front gardens would be maintained.
12. Due to the overall design, size and siting of the proposed extension, it would not appear as a dominant addition, nor would it undermine the attractive rhythm and gaps between properties. Accordingly, I find the proposal would preserve the character and appearance of the CA. As such, it would not be in conflict with Policy BHC1 of Brent Local Plan and the Barn Hill Conservation Area Design Guide which together, amongst other things, seek to contribute to local distinctiveness, built form, character and scale as well as preserving or enhancing the character or appearance of the CA. The proposed development would also accord with paragraph 199 of the Framework in terms of giving great weight to the CA's conservation.

Standard of accommodation

13. I note that the proposed development would require a minimum internal floorspace of 79 square metres in order to accord with the space standards set out in London Plan Policy D6. The proposed development would fall short of this requirement by 4 square metres.
14. Although the proposed internal floor space would be marginally less than the requirement, the proposed floor area would still be of adequate size to provide satisfactory living conditions for the future occupiers.
15. I note the concerns regarding access in order to meet Building Regulation requirements M4 (2) which relates to accessible and adaptable dwellings. However, at my site visit, I noted the slope referred to by the Council and I am content given the limited gradient of the slope that the proposed development would be accessible and would not prejudice the aims of Building Regulation requirements M4 (2).
16. I conclude that the proposed development would provide an adequate standard of residential accommodation for future occupiers and would comply with Policies D6 and D7 of the London Plan which together, amongst other things, requires housing development to be fit for purpose and to provide suitable housing for a diverse population.

Other Matters

17. I have reviewed all matters raised by the Council including third party representations as part of my decision and acknowledge the concern that the proposed development may set a precedent for further development. However, I have found the proposal to be acceptable and therefore see no reason why it would set a precedent for any unacceptable future schemes.

18. I note concern regarding the effect on neighbouring residents in terms of privacy, outlook and loss of light. However, based on the plans before me and my observations on site, I am content that the scheme is acceptable in terms of its impact on neighbouring properties and have no reason to disagree with the Council's assessment of this.
19. I also note that concerns have been expressed regarding increased parking and congestion. However, the proposed development would provide a one 2 bed dwelling and the number of vehicle movements associated with a development of this size would not be likely to give rise to an unacceptable impact on the local road network. Additionally, the proposed development would provide 3 off street parking spaces which would deter on street parking. Consequently, the proposed development would not result in a harmful increase of movements and parking stress particularly at a level over and above the existing situation.
20. A number of concerns have also been raised regarding financial gain and impact on property prices. However, these are not planning matters which I can take into account.

Conditions

21. I have considered the Council's suggested planning conditions in light of the Framework and Planning Practice Guidance. As a result, I have amended these where necessary for clarity.
22. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. Conditions relating to materials and a revised layout plan are necessary to ensure satisfactory development which does not harm the character and appearance of the Barn Hill Conservation Area. As part of the revised layout plan the Council has suggested 2 off street car parking spaces located further away from the building. However, the proposed development includes 3 car parking spaces and whilst I note that 2 spaces would be preferable in order to limit the amount of hardstanding, the provision of 3 spaces would still allow for sufficient landscaping to take place around the hardstanding area which is acceptable. I have therefore amended this condition accordingly. A condition requiring obscure glazing in upper floor side windows is necessary to ensure development does not unduly impact the privacy of the adjoining occupier(s).

Conclusion

23. For the reasons given above and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Existing and Proposed Site Plan Drawing No. 4B Rev A,
Existing and Proposed Front and Rear Elevations Drawing No. 1B Rev B,
Existing and Proposed Side Elevations Drawing No. 2B Rev B, Existing and
Proposed Floor Plans Drawing No. 3B Rev B.
- 3) Prior to the commencement of development (excluding any demolition, site clearance and the laying of foundations), the details of any materials used in exterior work shall be submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to the commencement of development (excluding any demolition, site clearance and the laying of foundations), a revised site layout plan (including the front and rear garden) shall be submitted to and approved in writing by the Local Planning Authority to include the following details:
 - i. The provision of 3 off street parking spaces;
 - ii. Soft landscaping for natural drainage and to preserve the visual amenities of the property, including a planting plan of the front garden area;
 - iii. Details of bike stores to demonstrate 3x lockers with minimum ground dimensions of 1m x 2m; and,
 - iv. The provision of hardstanding with a minimum 1.2m clearance up to the cycle parking and the access to the new dwelling around the side.

The hard and soft landscape works shall be carried out in full accordance with the approved details prior to the use of the building/extension hereby approved, unless alternative timescales have been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales.

- 5) Any upper-floor window located in a wall or roof slope forming a side elevation of the building must be:
 - i. obscure-glazed, and
 - ii. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and shall be permanently maintained in that condition thereafter unless planning consent is obtained from the Local Planning Authority.

End of schedule