



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/22/3303372

30 Station Parade, London NW2 4NX

- 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 Roger Leon of Cobstar Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/4347, dated 10 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed is additional storey at roof level forming a self-contained maisonette together with partial change of use from offices to residential.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's Decision Notice refers to Policies contained within the Brent's Development Management Policies 2016. However, the Brent Local Plan has since been adopted and has therefore superseded the policies contained within the Brent's Development Management Policies 2016.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 relevant Policies of the adopted Local Plan. The appellant had the opportunity to respond to the new policies in its Final Comments. I have therefore determined the appeal in accordance with up-to-date policies.
3. The appellant considers that matters relating to privacy did not form part of the reason for refusal. The appellant has nevertheless submitted an amended plan which indicates how the privacy concern could be overcome and has suggested a planning condition to be applied. However, as the appeal is dismissed on other grounds, it is not necessary for me to consider that matter further.

Main Issues

4. The main issues of the appeal are:
 - The effect of the proposed development on the character and appearance of the host property; and
 - The effect of the proposed development on the living conditions of the occupiers of Cassandra Court with particular reference to the amenity areas, in relation to outlook and daylight/sunlight.

Reasons

Character and appearance

5. The appeal site accommodates a two-storey building which forms part of a short terrace of similar buildings providing a commercial parade of various uses. The appeal property comprises an integral part of a short terrace. While the form and appearance of the front of the terrace is reasonably consistent, there are variations in the height, depth and fenestration of the elements at the rear but nevertheless has a simple form and appearance.
6. The proposed development would add an additional storey at roof level which would occupy the full width of the host property and would raise the overall height. As a result, it would be highly visible from neighbouring rear gardens and windows.
7. The additional storey would be flush with the rear elevation and would run the full width of the property which would be excessive and this together with the increase in height would dominate the existing roof appearing as a bulky addition which would be inconsistent with the more simplistic form and features of the host property. There would also be an abrupt change from nearby one storey elements to three storeys.
8. The vertical arrangement of the rear wall would not reduce its bulk and dominance on the building as it would still be excessive in terms of overall width and height.
9. I appreciate that the angle of the pitched roof helps reduce the scale of the proposal and that there are varied roof forms in the vicinity. However, the proposed development as a result of its positioning and overall size would appear overly prominent in comparison to the host property and would be a stark contrast to the general form of the property.
10. I conclude that the proposed development would unacceptably harm the character and appearance of the host property. As such, it would be contrary to Policy DMP1 of the Brent Local Plan which amongst other things, requires development to be of an appropriate siting, layout and scale that complements the locality.

Living conditions

11. The block of flats known as Cassandra Court sits at an angle to the appeal site and occupiers have a clear and open view of the rear elevation of the appeal property from the external amenity area. The proposed development would be located within very close proximity to the amenity area and this close relationship, coupled with the positioning and overall size of the additional storey, would have an overbearing and enclosing effect on the outlook of users of the amenity area, reducing the quality and useability of the space. I note the appellant's comments that the proposed development only marginally infringes the Council's guidance in terms of the 45 degree line. However, for the reasons given above, the proposed scheme would still have an overbearing effect.
12. Turning to matters regarding daylight and sunlight. The proposed development breaches the Council's guidance in terms of the 45 degree line and although only a small part of the garden would be affected and the angle of the pitched roof would help to reduce the impact, the proposed development as a result of its positioning and overall size would still adversely affect the amount of sunlight and daylight that would reach the amenity area of Cassandra Court. This would add further harm to the living conditions of existing occupiers. I

note the appellant's assertion that the BRE Guidance will be complied with although there is no substantive evidence submitted in this regard.

13. I conclude that the proposed development would harm the living conditions of the occupiers of Cassandra Court, in relation to outlook and daylight/sunlight. The proposed development would therefore be contrary to Policy DMP1 of the Brent Local Plan and guidance stipulated in Principle 5.1 of the Brent Design Guide Supplementary Planning Document which, amongst other things, requires development to protect the amenity of existing residents.

Other Matters

14. I appreciate that the site is not within a Conservation Area nor in proximity to any Listed Buildings and is also in an accessible location. However, such factors would not be sufficient to outweigh the harm I have identified above.
15. My attention has been drawn to previously refused schemes for an additional floor which comprised a different design/context to the appeal before me. Consequently, such schemes have not affected my findings on the main issues.

Conclusion

16. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR