



Appeal Decision

Site visit made on 12 January 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/T5150/W/21/3289166

Flat 3, The Hawthorn, 2A Exeter Road, London NW2 4SN

- 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 Ms Stacey Gower against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/3641, dated 29 September 2021, was refused by notice dated 24 November 2021.
 - The development proposed is installation of a rear balcony and replacement of the existing dormer window with sliding door to second floor flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the Brent Local Plan 2019-2041 (adopted February 2022) (Local Plan) was adopted. The main parties were provided with an opportunity to comment. The Council provided the relevant policies of the new Local Plan and I have taken their comments into account. I have had regard to the newly-adopted Local Plan, in my decision.

Main Issues

3. The main issues are
 - whether the proposed development would preserve or enhance the character and appearance of the Mapesbury Conservation Area (CA); and
 - the effects of the proposed development on the living conditions of neighbouring occupiers with respect to privacy.

Reasons

Character and Appearance

4. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. The significance of this part of the CA is characterised by two and three-storey detached and semi-detached properties from the late 19th and early 20th century period. Dwellings are typically generously sized and are constructed in a limited palette of materials, namely, brick, terracotta and tile.

5. The appeal building, which has been divided into three flats, is a good quality example of its type and is sat in an area of similar such dwellings that, for their large part, retain their traditional shape and design. On front elevations, whilst there has been some limited alterations to roofs, there is a regular fenestration rhythm and period detailing. On the rear elevation, there are some dormer windows on dwellings including the appeal building. They tend to be small and well-contained within the roof slope.
6. The appeal building is adjacent to a corner plot dwelling, which exposes part of its side elevation, consequently, it appears to have a wider presentation to the street. Along with others in the street, and for the reasons I have given, the appeal building makes a positive contribution to the CA.
7. Whilst the rear elevations are more modest, incorporating less architectural detailing, they nonetheless maintain a consistent and regular appearance. The existing dormer and that of the adjoining property at Mondesfield are well-proportioned and subservient within the roof slope with a setback from the eaves. The proposed alterations to include a short balcony, glazed aluminium sliding door and additional glazed window sections would diminish and unbalance the shared quality of the roofscape.
8. Furthermore, the alterations would give the rear roof slope a top-heavy appearance, detracting from both the host and adjoining dwelling's characteristic form and design. I accept that the affected roof slope would be to the rear of the building, but the development would still be very noticeable and visually intrusive when viewed from the surrounding rear gardens and the nearby railway line.
9. For the purposes of the National Planning Policy Framework (Framework), the CA is a designated heritage asset. The proposal would lead to less than substantial harm to the significance of the CA. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
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11. No evidence has been submitted to show any public benefits. The appellant is seeking to create an area of outdoor amenity space and even if this were a public benefit, given the scale of the scheme the benefit would be small and as such, the public benefits do not outweigh the identified material harm to the designated heritage asset.
12. I acknowledge that there are some rear roof alterations that exist nearby at No. 3 and 5 Dartmouth Road as referred to by the appellant. However, from the evidence before me the balcony at No. 3 does not benefit from planning permission and the scheme at No. 5 was granted under a previous Development Plan. In any case, the presence of these roof alterations, which from my observations, appear unsympathetic within the existing roofscape, do not justify the introduction of a new harmful element within the conservation area.

13. I, therefore, conclude that the development would fail to preserve or enhance the character or appearance of the CA. As such, it would conflict with the objectives of Policies DMP1, BD1 and BHC1 of the Local Plan which, amongst other things, seeks to conserve and enhance heritage assets.

Living conditions

14. The proposed balcony would include a barrier screen set up a short distance from the edge of the roof. At the height shown on the submitted plan, there would be scope for some overlooking of the surrounding garden areas (including the garden associated with the host building) particularly when users of the terrace were standing. I accept that nearby gardens are already overlooked as a result of existing windows, but the proposal would exacerbate the degree of overlooking thus invading their enjoyment of the space.
15. Having considered the relationship in terms of views and distances between the appeal scheme and the outbuilding located in the garden of Mondesfield, I do not find the appeal scheme would give rise to any unacceptable impact on privacy given the position and location of windows on the home office.
16. For the reasons outlined above, I conclude that the proposed development would result in material harm being caused to the occupiers of neighbouring residential properties in respect of privacy. Therefore, it would be contrary to Policy DMP1 of the Local Plan which seeks, amongst other things, that new development provides high levels of external amenity.

Other Matters

17. The appellant has referenced planning permissions approved by the Council¹. Whilst I do not have full details of these schemes, I note the example at No. 39 Dartmouth Road had an existing roof terrace and sought alterations to the design. The example given at No. 4 Dawlish Road whilst without consent also benefitted from an existing roof terrace as it was immune from enforcement action by the Council. In this regard, existing developments are materially different to the appeal proposal and therefore I cannot draw any direct comparison that weighs in favour of the proposal.
18. The provision of a balcony would provide occupiers of the associated flat with access to an area of outdoor space. I acknowledge that this can play an important role in the physical and mental health and wellbeing of individuals, particularly following the COVID-19 pandemic, as well as having social benefits. However, this would not outweigh the harm I have identified with regards to preserving heritage assets or the harmful effect on the privacy of neighbouring occupiers.
19. In coming to my decision I have also taken into consideration the letter of support from an adjoining flat. However, in view of the matters set out above this has not led me to any different overall conclusion.
20. Other parties have raised concerns with the potential for noise and disturbance resulting from the use of the balcony. However, given the limited scale of the development and its use within an existing residential area, I do not find that it would result in significant levels of noise or disturbance above what is to be expected within a residential area.

¹ Ref: 20/0480 and 18/3048

Conclusion

21. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, sufficient to outweigh the identified harm and associated development plan conflict. The appeal should therefore be dismissed.

A Hickey

INSPECTOR