



Appeal Decision

Site visit made on 15 February 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/T5150/W/22/3308651

47 Braemar Avenue, Brent, London NW10 0DN

- 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 William McGowan against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/1678, dated 11 February 2022, was refused by notice dated 4 July 2022.
 - The development proposed is erection of two storey side extension and two storey rear extension. The application is a combined proposal for 47 and 47A Braemar Avenue.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address given in the application form refers only to No 47 Braemar Avenue. The description of development given in the application form refers to a combined proposal for Nos 47 and 47A Braemar Avenue, and this appears consistent with all other submitted details. Accordingly, I have determined the appeal on the basis of it being a combined proposal for both properties.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the host building and the surrounding area.
 - Biodiversity and geodiversity.
 - The living conditions of neighbouring occupiers at No 49 Braemar Avenue, with regard to light, outlook and sense of enclosure.

Reasons

Character and appearance

4. The appeal site is a building originally constructed as an end-terrace dwelling that has been converted into flats. It lies in a predominantly residential area, adjacent to a road junction and on a prominent corner. Due to the street layout, the front, side and rear elevations of the host building are all prominently visible from public vantage points.
5. The proposed development would involve various single and 2-storey extensions to the rear and side of the building, with the 2-storey elements

featuring pitched roofs. An existing 2-storey flat-roofed outrigger with an external staircase providing access to the first floor would be retained.

6. When read against the appearance and proportions of the original building and existing rear outrigger, the proposed development would appear as an ungainly and visually incongruous addition to the host building and the wider streetscene. Its scale, varying roof projections and ridge heights would jar uncomfortably with the simple design and modest proportions of the host building. Whilst there is no significant variation in ground levels in the immediate area, the site's position on a prominent corner would exacerbate the effects, with all elements of the development being prominently visible from the street and creating an unduly dominant and uncharacteristic development that would contrast awkwardly with the more uniform appearance of neighbouring dwellings.
7. For the above reasons, the proposed development would be harmful to the character and appearance of the host building and the surrounding area, and would conflict with Policy DMP1 of the Brent Local Plan 2019-2041 (Adopted February 2022) (the BLP), which seeks to ensure that the siting, layout, scale, materials, detailing and design of development complements the locality. It would also conflict with the Residential Extensions & Alterations SPD2 (January 2018) (the REASPD), which has similar aims.

Biodiversity and geodiversity

8. Policy BGI1 of the BLP requires all developments to achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of the area.
9. Whilst the development would be of limited scale, I have been provided with no details to demonstrate even on a basic level how this objective would be achieved. I have considered whether this matter could be addressed through a suitably worded condition, but the submitted details do not provide me with sufficient confidence to ensure this issue could be satisfactorily addressed. Accordingly, this approach would not meet the tests outlined by Paragraph 56 of the National Planning Policy Framework (the Framework).
10. For the above reasons, the proposed development fails to demonstrate how harm to biodiversity and geodiversity would be avoided, and would conflict with Policy BGI1 of the BLP, which requires all developments to achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of the area.

Living conditions

11. The proposed single-storey rear extension would infill the area between the existing 2-storey rear outrigger and the side boundary of the property. The proposed development would be visible from the closest windows on the rear elevation of the adjoining property, No 49 Braemar Avenue. However, the closest window is not set directly adjacent to the boundary, with a reasonable gap being retained. The depth of the proposed extension would not be significant, as it would not extend beyond the rear elevation of the modest 2-storey outrigger. Its height would also be significantly lower than the existing outrigger. Though the proposed extension would extend closer to the windows on the adjoining property, when read in conjunction with the existing built form its effects on the light and outlook afforded to neighbouring occupiers would not be significant, and it would not result in an undue sense of enclosure.

12. I note the height of the proposed extension would exceed that cited in the REASPD relating to extensions to the side of 2-storey outriggers. However, the depth of both the outrigger and extension shown in the REASPD appears far greater than the appeal subject. I therefore do not find the appeal subject to be directly applicable to this guidance. Separately, the REASPD states that the maximum height permitted for a flat roof on a boundary is 3 metres, and the proposed development would accord with this. Though the weight I attach to the REASPD is limited only to its role as guidance, I find no specific conflict in relation to living conditions.
13. For the above reasons, the proposed development would not be harmful to the living conditions of the neighbouring occupiers at No 49 Braemar Avenue and would accord with Policy DMP1 of the BLP, which seeks to ensure development provides high levels of internal and external amenity and does not unacceptably increase pollution and general disturbance. It would also comply with the guidance in the REASPD, which has similar aims.

Other Matters

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For the avoidance of doubt, I have determined this appeal in accordance with the development plan, which comprises the BLP and the London Plan (March 2021), and other material considerations including the Framework. Whilst I note the appellant has provided a list of development plan policies and material considerations, several of those cited are out of date, and have therefore not been given significant weight in the determination of the appeal.

Conclusion

15. For the above reasons, whilst I have identified no harm in relation to the living conditions of neighbouring occupiers, the proposed development would fail to comply with the development plan as a whole and there are no material considerations that would lead me to a decision other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR