



Appeal Decision

Site visit made on 7 February 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/T5150/W/22/3294735

9-10 Tower Road, London NW10 2HP

- 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 Mohammed Ali against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/3810, dated 10 October 2021, was refused by notice dated 8 December 2021.
 - The development proposed is described on the application form as, "Erection of a two storey front extension with converted loft space, and erection of part first and part second floor rear extension to two semi detached dwellinghouses and to convert into 5 self-contained flats: 2x3bedroom, 2x2bedroom and 1x1 bedroom with associated landscaping, bin stores and car parking provision to the front".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Differing to the description of development in the banner header above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Conversion of two semi-detached dwellinghouses into 5 self-contained flats, with a two-storey front extension, first floor rear extension, rear dormer window with four front rooflights, new side dormer window, replacement of all fenestration and associated hard and soft landscaping, amenity space and refuse and cycle storage". I have used this description in my consideration of the appeal since it best describes the proposed development in precise and concise terms.
3. Since the determination of the application the Council adopted the Brent Local Plan 2019-2041 (adopted 2022) (Local Plan), which revoked the Brent Core Strategy (2010) and the Development Management Policies Plan (2016). The Council updated their reason for refusal to reflect this, and the appellant provided representations on this matter their Final Comments. I have taken the parties' comments on the relevant policies of the new Local Plan into account. I have had regard to newly-adopted Local Plan in my decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the site and the surrounding area, and the effect of the proposed development on the setting of the Willesden Jewish Cemetery.

Reasons

Character and Appearance

5. The appeal site consists of a pair of semi-detached, 2-storey dwellings, situated in a predominantly residential area. At the end of Tower Road is a fire station, and the north side of Tower Road contains several tall buildings, including (amongst others) a large-scale development behind Tower Road allotments. The site is situated amongst a group of similarly-designed semi-detached dwellings on the southwest side of Tower Road. The semi-detached dwellings on Tower Road are broadly consistent in terms of their scale and massing. As such, although there is a varied mix of designs and building styles in the area, the semi-detached dwellings on site are chiefly read as being as part of the broadly homogenous group of dwellings within which they sit.
6. In this context, the proposed development would maintain both the established building line to the front of the resulting property and the separation of the property from the adjacent dwellings to each side. Nonetheless, the proposed extensions to the front and rear, which would include a large 2-storey main central block, would considerably augment the massing and bulk of the existing semi-detached dwellings. These elements of the proposal would subsume much of the original pair and the resulting property would consequently appear noticeably out-of-keeping with nearby dwellings in these respects.
7. Although the proposal would incorporate 2 'wings', these would have differing set-backs and widths. These would create an unpleasing asymmetrical appearance to the front of the property, which would further highlight the visual incongruity of the property in its context. The proposal would result in the rear of the property appearing as being composed of a series of blocks, which would lack elegance and be uncharacteristic of nearby residential development.
8. The proposal does not relate to a new build, but rather to the conversion of existing dwellings into 5 flats with extensions. In this regard, whilst it has been claimed that, had the proposed extensions been for householder extensions to single dwellings, they would have been deemed to be acceptable, given the clear shortcomings of the proposal as described above it is unclear why this would be the case. The imposition of the proposed conditions, which in terms of the design of the proposal relate to matters of detail, would not overcome the fundamental design concerns expressed above. Hence, neither of these matters changes my findings on this main issue.
9. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the site and the surrounding area. It would conflict with part a) of Policy DMP1 of the Local Plan which provides that, amongst other things, development will be acceptable provided it is of a design that complements the locality, and with part A of Policy H2 of The London Plan (published 2021) which provides that, amongst other things, boroughs should pro-actively support well-designed new homes on small sites.
10. The proposal would also conflict with paragraph 130 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

11. The Council has referred to a Residential Design Guide, but no copy of this document has been provided and I am therefore unable to assess the proposal against it.

Setting of the Willesden Jewish Cemetery

12. The appeal site is within the setting of the Willesden Jewish Cemetery, a Grade II Registered Park and Garden, i.e. the surroundings in which the heritage asset is experienced. The Framework makes clear that great weight needs to be given to designated heritage assets' conservation. I have had regard to the submitted Heritage Impact Assessment¹ and Supplementary Heritage Impact Assessment².
13. I observed that the significance of the Willesden Jewish Cemetery derives in part from its historic and well-maintained funerary buildings which exhibit a high standard of architectural merit, and its numerous historic monuments to prominent and influential members of the Jewish community. The appeal site forms part of the backdrop of residential properties which enclose parts of the cemetery and due to the limited aesthetic and historic connection between these properties and the cemetery, has a minimal impact on the heritage significance of the cemetery, meaning that the contribution of the setting to the significance of the cemetery is neutral.
14. Although, as found on the first main issue, above, the proposed development would have an unacceptable and harmful effect on the character and appearance of the site and the surrounding area, as the proposed extensions would remain broadly within the existing silhouette of the pair of semi-detached dwellings and considering the distance of the funerary buildings from the site, and the overall physical extent of the setting, the proposed development would not make any appreciable change to the contribution that the setting makes to the significance of the cemetery. As such, the contribution that the setting makes to the significance of the cemetery would not be compromised by the proposal.
15. I therefore find that the proposed development would have an acceptable effect on the setting of the Willesden Jewish Cemetery. The proposal would comply with Policy BHC1 of the Local Plan which provides that, amongst other things, proposals for or affecting heritage assets should sustain or enhance the significance of the heritage asset, its curtilage and setting, and with Policy HC1 of The London Plan which provides that, amongst other things, development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Other Matters

16. The finding on the second main issue, above, that the proposed development would have an acceptable effect on the setting of the Willesden Jewish Cemetery, is a neutral matter, which does not weigh in favour of the proposal.

¹ Heritage Impact Assessment (Alex Stevenson Building Conservation & Design) (7 October 2021)

² Supplementary HIA statement responding to issue of insufficient information being provided to demonstrate that the proposed development would respect the adjacent heritage asset (the cemetery) (Alex Stevenson Building Conservation & Design) (8 January 2022)

17. It is common ground between the main parties that no conflict would arise with Policy BH2 of the Local Plan which provides that, amongst other things, in addition to the Growth Areas and Site Allocations identified in the Local Plan, town centres, edge of town centre sites, areas with higher levels of public transport accessibility levels and intensification corridors will be priority locations where the provision of additional homes will be supported.
18. In this regard, the proposal for this small site would contribute to the Government's objective to significantly boost the supply of homes, by way of providing 5 residential units. This would make a limited contribution to the supply of housing in the area and accordingly this limits the weight which I can give this matter. Moreover, the proposal would likely make a modest contribution to the local economy via work for construction professionals and from the future occupiers of the proposed residential units spending on local services and facilities.
19. The benefits of the proposal, as summarised above, would be in compliance with some of the policies of the Local Plan and The London Plan, and relevant paragraphs of the Framework. However, they would not, either individually or collectively, outweigh the harm I have identified to the character and appearance of the site and the surrounding area. As such, the overall conflict with the development plan would remain.
20. I have had regard to the representations submitted by local residents, and to the appellant's observations on those representations. Had my findings in relation to the first main issue been more favourable, it would have been necessary to address representations on the other issues raised by local residents in more detail. However, as I am dismissing the appeal for other reasons, with the overall outcome of the appeal having been determined, I make no further comments on these matters.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR