
Appeal Decision

Site visit made on 10 May 2023

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023.

Appeal Ref: APP/T5150/D/23/3316667

13 Old Church Lane, London, NW9 8TG

- 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 and Mrs Ghanshyam and Usha Bhojani against the decision of Brent Council.
 - The application Ref 22/3970, dated 18 November 2022, was refused by notice dated 18 January 2023.
 - The development proposed is two proposed rear dormer windows, one proposed side dormer window, all with hipped roofs and two conservation style rooflights to front roof plane.
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Decision

1. The appeal is dismissed.

Main issue

2. I consider that the main issue in this case is its effect on the character and appearance of the conservation area.

Reasons

3. 13 Old Church Lane is a two storey semi detached house constructed during the 1920s in a mock-Tudor style together with the other detached and semi detached houses along the street. It lies within the St Andrews Conservation Area.
4. The Council raises no objection to the two rear dormers and the front roof lights as these have already been permitted (ref. 21/4096). Accordingly, they do not form part of my consideration of this case.
5. There is a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework (2021) (the Framework) states that in the consideration of development proposals great weight should be given to the conservation of heritage assets in accordance with the significance of the asset and any harm should require clear and convincing justification.
6. I consider that the policies relevant in this case include DMP1 and BHC1 of the Brent Local Plan 2019-2041 (the local plan). DMP1 allows for new development provided, among other things, that it conserves the significance

- of heritage assets. BHC1 sets out criteria against which development affecting heritage assets should be assessed, including the need to respect the street scene and frontages and the character of the asset through good quality design.
7. The Council's Supplementary Planning Document *Residential Extensions and Alterations* 2019 (the SPD) provides detailed guidance for such development, including that a side dormer will only be allowed where it does not compromise the building or the street's character. This guidance was not intended to apply to properties in conservation areas on the basis that the Council would prepare further more detailed guidance in that respect.
 8. That guidance has not been forthcoming. However, the Council's Conservation Area Appraisal published in 2006 (the CAA), clearly identifies the features which characterise the conservation area and contribute to its significance and the pressures to which it is subject, together with indications of how such pressures can be resisted. These have not changed substantially since it was published in 2006 and the need to exercise strict control over alterations affecting the public face of the buildings remains. I consider that the up-to-date local plan, the SPD and the CAA amount to a sufficiently robust tool for assessing the appeal proposal, consistent with the guidance in the Framework.
 9. The appeal property and its neighbours along the street are typical of the Arts and Crafts movement and are identified in the CAA as being exemplary buildings of high quality which probably contribute most to the overall character of the area. The high quality of the detailing is also identified as defining the character of the area and the CAA highlights instances where unsympathetic alterations to the front and side of houses have had a damaging impact on the character of the building and the street scene.
 10. Roof forms along the street are not uniform in detail but have a similar overall style typical of their period. A characteristic feature of the street scene is a hipped roof form with the side plane occasionally but not always interrupted by one or more chimneys. This gives rise to a distinctive pattern of roof lines along the street with clear sky views and glimpses of the mature trees beyond, emphasised by the spacing between the houses which also contribute to the character of the area. There are some instances where later side additions are visible, mainly at ground floor level. Side additions at first floor level are generally set well back from the front elevation, for example at the adjoining house No. 11, and mostly appear as reasonably well integrated and unobtrusive elements.
 11. Dormers are not seen on front or side elevations in this part of Old Church Lane except for the side dormer at No. 19. I understand that this was permitted in 2013 but was not built in accordance with the approved plans. I consider that it is a poor example which does not make a positive contribution to the house or the street scene. Although there are rear dormers, these are only visible from the north end of Old Church Lane in views along the space at the rear of the properties in Old Church Lane and Tudor Gardens. They are not visible from the front of the properties in this part of Old Church Lane and do not impact on the street scene.
 12. The proposed side dormer would be substantial in size and height. Although the materials and hipped roof would reflect that of the main roof, it would appear as a prominent and uncharacteristic feature in relation to the house

itself. It would be clearly visible projecting from the uninterrupted plane of the roof on the skyline in the gap between it and No. 15 and would appear out of keeping with the prevailing character of the houses. It would not respect the street scene or views along the street and through the gaps between the houses.

13. I conclude that the proposal would harm the character of the house and of the street scene and so would compromise the high quality of the townscape embodied in the architectural style and spacious setting of the conservation area. This would cause less than substantial harm to the significance of the conservation area. I do not find that there are any public benefits which outweigh this harm, nor any clear justification for allowing the appeal. The proposal is contrary to the Framework and to local plan policies DMP1 and BHC1, the SPD and the aims expressed in the CAA.
14. For the reasons given above, the appeal is dismissed.

PAG Metcalfe

INSPECTOR