



Appeal Decision

Site visit made on 31 May 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/T5150/W/22/3303403

7 Sudbury Hill Close, Wembley HA0 2QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Sodha against the decision of London Borough of Brent.
 - The application Ref 22/0034, dated 5 January 2022, was refused by notice dated 17 June 2022.
 - The development proposed is demolition of existing detached dwelling and erection of a front new building housing 8 dwellings and rear building housing 1 dwelling with parking, bins and cycle provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The appeal is in outline with access, landscaping, layout and scale to be considered at this stage. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposed development would provide satisfactory living conditions for future occupiers with regard to outlook;
 - Fire safety; and
 - Whether an affordable housing contribution is required to make the development acceptable in planning terms.

Reasons

Character and appearance

5. The appeal site comprises a back-land site positioned to the rear of gardens in Sudbury Hill Close and Sudbury Court Road. The site is accessed via a driveway from Sudbury Hill Close. Properties in the area vary in scale and design and include 3 storey flatted developments and two storey dwellings. At the time of the site visit I observed that a three-storey apartment building fronting the driveway has been substantially completed.
6. At the time of the site visit I noted that one side of Sudbury Hill Close was heavily parked with cars, and this reduced road width which made it more difficult for vehicles to drive along it. Whilst this is a snapshot in time it is evident that the road is heavily used throughout the day.
7. I have been made aware of the planning history relating to the site which includes two extant planning permissions for an apartment block on the site. Full planning permission, under reference 19/2423, was approved in September 2019 for the demolition of the existing dwelling and its replacement with an apartment block accommodating 7 units. Full planning permission, under reference 20/2310, was approved in November 2020 for a building containing 8 apartments. The extant permissions represent a legitimate fall-back position and a material planning consideration which I afford great weight to.
8. The proposed apartment block would have a scale and form commensurate with that of buildings in the local area. Moreover, the mature landscaping along the boundaries of the site filter views of the apartment block ensuring the development is not unduly prominent when viewed from the surrounding area.
9. Whilst the proposed single storey dwelling would be positioned within the same site it would have a limited scale and height. I acknowledge that it would reduce the amount of open space to the rear of the apartment block, however, space around the buildings would be retained reflecting the positive characteristics of the surrounding area rather than an over-intensive form of development.
10. Taking all of the above matters into consideration I conclude that the proposed development would not unduly affect the character and appearance of the area. It would accord with Policies DMP1 and BH4 of the Brent Local Plan (2022) (BLP) which, amongst other things, requires developments to complement the locality through its layout, scale, detailing and design.

Living conditions for future occupiers

11. The proposed single storey dwelling would be sited close to the rear and southern boundary. The Council advise that windows serving the living room would be sited approximately 3m from these boundaries resulting in a poor outlook.
12. Despite, space being retained around the building, in my judgement the separation distance between the living room windows and the side and rear boundaries would be insufficient. The outlook would be dominated by the boundary treatment and planting and this spatial relationship would be far

more enclosed and uncomfortably intimate and would not provide satisfactory outlook and living conditions for future occupiers.

13. The separation distance between the apartment block and single storey dwelling and the quantum of communal amenity space would not outweigh the harm that I have identified in relation to this matter.
14. As such, the proposed development would not provide acceptable living conditions for future occupants of the proposed single storey dwelling. It would be contrary to BLP Policy DMP1 and Policy D6 of the London Plan (2021) (LP) which, amongst other things, require developments to provide high levels of internal and external amenity and the design of developments to provide daylight and sunlight to new housing.

Fire safety

15. Whilst I have paid regard to the appellant's Fire Strategy reports I share the concerns of the Council in respect of fire safety. With regard to access and facilities for the fire services I am not satisfied that a fire appliance could enter the driveway leading to the apartment block, either in forward gear or in reverse, and access the pumped appliance set down position when taking into consideration that Sudbury Hill Close is heavily parked.
16. I also note that there is nothing to indicate that the access road is satisfactory or that a turning circle is achievable for larger vehicles at the head of the driveway. Nor is there clarity that there would be satisfactory working space around a fire appliance on site.
17. Furthermore, no substantive evidence has been provided to indicate that the hose laying distances would comply with the requirement set out by the London Fire Brigade, irrespective of the provision of a sprinkler system or a fire hydrant.
18. Overall, I am not satisfied that sufficient information has been provided to demonstrate the development as proposed would achieve the highest standards of fire safety. It would therefore be contrary to LP Policy D12.

Planning obligation

19. BLP Policy BH5 sets out that for developments of between 5 and 9 dwellings a financial contribution towards off-site affordable housing will be required.
20. The appellant has indicated that he is amenable to the provision of a planning obligation. I am satisfied that the contributions would satisfy the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010).
21. The necessary planning obligation has not been provided and thus there is no mechanism by which to secure the necessary contribution. The contribution cannot be secured by condition.
22. Consequently, the proposal fails to meet the requirements of BLP Policy BH5 which seeks to secure the delivery of affordable housing in the borough.

Other Matters

23. I note the representations made by local residents raising additional concerns. However, given my findings on the main issues, it is not necessary for me to consider these matters in detail.

Conclusion

24. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR