



Appeal Decision

Site visit made on 11 July 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/T5150/W/22/3312444

272 Dollis Hill Lane, London NW2 6HH

- 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 Riaz Dato, 31 MAR Ltd, against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/2981, dated 26 August 2022, was refused by notice dated 7 November 2022.
 - The development proposed is for the extension and conversion of existing detached house to form a pair of semi-detached houses.
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Decision

1. The appeal is dismissed.
2. An application for costs was made by Mr Riaz Dato, 31 MAR Ltd, against the London Borough of Brent. This application is the subject of a separate Decision.

Procedural Matters

3. The proposal seeks outline permission, with details of access, layout and scale submitted for consideration. I have therefore considered such details as shown on the submitted plans as part of my assessment. As detailed matters relating to appearance and landscaping are reserved for future consideration, I have treated the submitted plans as indicative regarding these matters.
4. A previous appeal at the site for the demolition of the house and construction of eight flats over two storeys with an attic floor was dismissed and planning permission was refused in January 2023¹. This previous appeal was determined after the appellant lodged this current appeal. I have therefore had regard to this previous appeal decision in reaching my conclusions on the proposal.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and,
 - the effect of the proposal on a street tree.

Reasons

Character and appearance

¹ APP/T5150/W/22/3299035

6. The appeal site is a two storey detached house which sits on a prominent corner plot. The house is set back from the front and side boundary with a generous garden. The spacing and landscaping around the plot create a relatively open and spacious character and provides visual relief to the wider area which has a more compact character. The house is part of a cohesive residential street with detached and semi-detached houses which are generally consistent with one another in terms of scale, form and design, although they utilise different materials.
7. I accept the angle of the roof would not be much steeper than the existing roof. However, in order to provide a two storey building with roof level accommodation, the main roof would span across the two houses with a continuous height. Consequently, this would further highlight the extent and bulk of the building. To accommodate the volume of roof space required to create the depth and length of the loft floor level, the size of the flat roof areas would be greater than that of the neighbouring houses. This would be at odds with the scale of the existing roofs of the immediate neighbouring houses whereby the width of the roof is broken up by the lower height front projecting gables. Whilst I accept appearance is reserved for future consideration, in order to accommodate the quantum of development proposed, the building would have a top-heavy roof form due to its scale and would be notably bulkier than the neighbouring houses.
8. As a result of its increased width, the building would extend further across the plot reducing the spacing to the side. This would result in a development that is situated closer to the Coles Green Road boundary, eroding the existing spaciousness at the site. I have carefully considered the sites that have been put forward that seek to demonstrate that several corner plots on the road are in close proximity to the corner boundary. However, at my site visit I saw that whilst there are some examples of houses that are close to the boundary, these sites are not near the appeal site. The corner plots closest to the appeal site, are mostly set back from the boundary by a substantial distance. Due to its width, the building would be closer to the boundary than the immediate neighbouring corner plots and would therefore be uncharacteristically cramped when compared to the nearby corner houses. Because of this and the open location of the site, the prominence of the building would be further exaggerated in the street scene to a greater extent than other less exposed immediate corner plots. Consequently, the scale of the building would be incongruous in this setting.
9. Taking account of the width of the building, when combined with the bulk, length, width and size of the roof, this would result in a development that is of a scale that cannot be accommodated on the site without significantly harming the character and appearance of the area. Consequently, the proposal would conflict with the design aims of Policy D3 of the London Plan (2021) and Policies DMP1 and BD1 of the Brent Local Plan (2022) which amongst other things, requires new development to deliver buildings that are of a scale that responds to the existing character and enhances the local context.

Street tree

10. Along Coles Green Road, there is a mature London Plane street tree. Under the previous appeal, the Inspector observed that this tree was leaning towards the appeal site. At my site visit, I saw that this is still the case.

11. It has been suggested that it would be possible to build above the root protection zone without harming the health or stability of the tree using a cantilevered steel frame foundation. In the absence of any technical evidence, I cannot be certain that the proposal would not adversely affect this tree during construction or post-development. However, the previous Inspector considered this in their decision and concluded that if the appeal were to succeed, then a tree survey could be required as a pre-commencement condition to ensure that the effects of the proposal would not be to the detriment of the adjacent street tree. On this basis, a condition could be applied to make the proposal comply with Policy G7 of the London Plan (2021) and Policy BG12 of the Brent Local Plan (2022), which require that where development could affect existing trees adjoining a site, a tree survey is provided, and wherever possible existing trees of value are retained.

Other Matters

12. It has been claimed that the proposal would meet the London Plan definition of a windfall site and small site under Policy H2. However, as a copy of this policy has not been provided, it is not determinative in my assessment of this appeal.
13. Reference has been made to other properties on the road that are claimed to match the style, characteristics, design and appearance of the proposal. However, appearance does not form part of the matters for consideration. The houses referred to, do not appear to be corner plots and are not directly comparable to the appeal site. This therefore does not justify the harm I have identified in relation to the character and appearance of the area.

Planning Balance

14. The proposal would deliver an additional home in a location that has good accessibility. Whilst I attach some weight to the proposals benefit in this respect, it would not outweigh the harm that I have found to the character and appearance of the area and the conflict with the development plan policies.

Conclusion

15. I find that the proposal conflicts with the development plan, read as a whole. There are no material considerations that have been shown to carry sufficient weight to indicate a decision otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

L Reid

INSPECTOR