



Appeal Decision

Site visit made on 22 August 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th September 2023

Appeal Ref: APP/T5150/W/22/3312814

6A St. Marys Road, London NW10 4AP

- 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 Stanley Ingram against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/2600, dated 20 July 2022, was refused by notice dated 15 September 2022.
 - The development proposed is creating a terrace for a first floor maisonette flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form, it is stated that the description of development has not changed, but a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development was agreed. I have therefore used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the area.

Reasons

4. The appeal site is a two storey property with a loft level and two storey rear return. The property has been converted into flats and the appeal relates to the upper floor flat. The surrounding area is predominately residential in character. Whilst there is a mix of housing types and styles in the area, the appeal site forms part of a semi-detached pair which are largely uniform in design and share the same architectural form as the immediate neighbouring properties. Generally, the two storey rear returns are unaltered and retain their traditional flat roof form which positively adds to the character and appearance of the area. Due to the property's position on the road, the first floor of the rear return and adjoining roof space can be readily seen from public vantage points in Challenge Close and the adjoining Harlesden Town Gardens.
5. Whilst the balustrade would be set back from the edges of the roof and the terrace area would have a modest footprint when compared to the overall scale of the property, the balustrade would enclose most of the roof. This would result in the loss of the open flat roof form impacting the main characteristic of

the property. The contemporary design of the balustrade would contrast with the traditional style of the property and would therefore appear as a highly conspicuous feature. Furthermore, given that the sides of the balustrade would have frosted screening, the roof terrace would have a solid-like appearance and would therefore not minimise the impact on the rear and side elevation, contrary to the design guidance within the Brent Residential Extensions & Alterations SPD 2 (the SPD) (2018). The presence of the balustrade would increase the prominence of the rear return by accentuating its outward projection and scale, and by adding to its height. Consequently, the proposal would not appear as subservient in this context, and it would unacceptably impact the appearance of the property.

6. As a result of the balustrade's overall design, height, width, depth, and siting, the roof terrace at an elevated height, would be visually prominent and highly visible from a wide area including from the surrounding rear gardens and from short and long range public views. No other properties in the immediate row benefit from roof terraces with a glass balustrade on the roof of the rear return. As such, introducing a roof terrace as proposed would be an alien feature that is out of keeping with the character of the immediate area. At my site visit, I saw that one of the buildings fronting Challenge Close has an existing roof terrace. However, this building appears to be part of a more recent development and has a different character in comparison to the appeal site. Furthermore, the roof terrace is small in scale. Consequently, the presence of this roof terrace does not establish a prevailing context for the creation of a roof terrace at the appeal site.
7. I therefore find that the proposal would introduce a discordant and incongruous feature that would not enhance visual amenity and would cause significant harm to the character and appearance of the host property and the area. The proposed development therefore conflicts with Policy DMP1 of the Brent Local Plan (the LP) (2022) and the guidance contained within the SPD (2018), which amongst other things, require development to be of a siting, scale, detailing and design that complements the locality.

Other Matters

8. The Council takes issue with the usage of the roof terrace, considering that it may lead to a higher level of noise and disturbance to the neighbouring habitable rooms and would therefore fail to comply with part "g" of Policy DMP1 of the LP (2022). There is no further reference to this matter in the reason for refusal or the Council's Appeal Statement. At my site visit, I saw that the roof terrace would be directly adjacent to the top floor window of the adjoining property. Whilst it would be in close proximity to these adjoining neighbouring rear windows, there is no evidence before me to demonstrate that the proposal would give rise to a level of noise and disturbance to a degree that would be unacceptably harmful to the living conditions of the adjoining occupants. Nevertheless, a lack of harm in this respect is neutral and weighs neither for nor against the development.
9. The appellant refers to other approvals for similar proposals within the vicinity of the appeal site. However, I do not know the precise circumstances and settings of these approvals. Furthermore, when I visited the appeal site, I could not see these approvals due to their distance from the site. One of the approvals listed is on a road adjacent to the appeal site, however, I could not

see this site from the public vantage point. As such, I cannot be certain that these approvals represent a direct parallel to the appeal scheme, in terms of design and context.

10. My attention has also been drawn to two examples (Appendix A and Appendix B) which show roof terraces with balustrades that appear to be visible from the street. Appendix A relates to a large roof terrace with a balustrade, however from the evidence, it appears that the date of the decision for this approval pre-dates the design policies in the LP and SPD. Appendix B relates to a roof terrace that appears to be on the roof of a single storey extension with a low balustrade and has a less solid appearance. This example is therefore not comparable in design to the appeal proposal and does not have the same relationship with the host property as this proposal would. These highlighted examples are not developments which would justify the harm I have identified above. In any event, I have come to my decision based on the circumstances of the appeal site and the details of the development proposed in this case.
11. I accept that the proposal would provide external amenity space which would in turn improve the living conditions of the occupants. Whilst I attach some weight to this benefit, it would not outweigh the harm to the character and appearance of the area, and the conflict with the development plan policies in this regard.

Conclusion

12. For the above reasons, 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 in accordance with it. I therefore conclude that the appeal should be dismissed.

L Reid

INSPECTOR