



Appeal Decision

Site visit made on 4 September 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2023

Appeal Ref: APP/T5150/W/23/3316539

23 Spezia Road, London NW10 4QJ

- 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 A Clerk against the decision of London Borough of Brent.
 - The application Ref 22/3316, dated 24 October 2022, was refused by notice dated 23 January 2023.
 - The development is dwellinghouse at 23 Spezia Road.
-

Decision

1. The appeal is allowed and planning permission is granted for the dwellinghouse at 23 Spezia Road, London NW10 4QJ in accordance with the terms of the application, Ref 22/3316, dated 24 October 2022, and the revised plans submitted with the appeal (Location Plan; GSR(111) rev SK2; and GRS(112) rev SK2), subject to the following conditions:
 1. The bin storage area, as shown on the approved plan (GSR(111) rev SK2), shall be provided on site within three months of the date of this permission and shall be retained for its intended purpose thereafter.
 2. Within three months of the date of this permission, details for the provision of one secure cycle parking space within the site, shall be submitted for the written approval of the Local Planning Authority. The secure cycle parking space shall then be provided in accordance with the approved details within three months of receiving approval from the Local Planning Authority, and shall be retained for its intended purpose thereafter.
 3. Within three months of the date of this permission, details of the type of obscure glazing to be fitted in the rear dormer window, up to a height of no less than 1.7 metres above floor level, shall be submitted for the written approval of the Local Planning Authority. The obscure glazing shall be installed in accordance with the approved details within three months of receiving approval from the Local Planning Authority, and once installed the obscured glazing shall be retained as such thereafter.

Preliminary Matters

2. I have removed the words "Retention of the" from the description as this does not form part of the proposed development.
3. I observed on my site visit that the dwelling has already been constructed and is currently occupied.
4. The first reason for refusal on the decision notice asserts that the submitted drawings are inconsistent and inaccurate when compared to the development as built. The appellant has submitted amended drawings with the appeal and the Council has not provided any comments on these amended drawings.
5. Having reviewed on site I consider that these amended drawings reflect what has been built, and neither party would therefore be prejudiced by my acceptance of these amended drawings during the appeal. I have therefore determined the appeal based on the details shown on the amended drawings and conclude that the first reason for refusal has been addressed by the submission of these amended drawings.
6. Notwithstanding the above, I note that the front boundary wall is not included on the front elevation drawing, however the Council has included a reason for refusal in relation to the front wall as built on site. I observed the front wall on site and thus my assessment of the front boundary wall within this decision is based on what has been constructed on site.

Main Issues

7. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of neighbouring properties, with regard to privacy.

Reasons

Character and appearance

8. Spezia Road is characterised by a row of terrace houses located on either side of the highway, with each property having a front yard / garden area separated from the back of the footway by a low boundary wall, and in most cases some form of hedge or green vegetation. The existing brick-built, pitch roof terrace properties are attractive in design, containing architectural features of interest, including stone detailing surrounding doors and windows in the front elevation.
9. The appeal site is unique on the street scene in that it relates to a recently built dwelling situated at the end of a row of terrace properties. The appeal dwelling is much simpler in design and detailing, being single storey with a hipped roof design, although the appeal property does include a rear dormer to provide living accommodation within the roof space. Directly opposite the appeal site is a detached dwelling known as 'The Coach House' and this also differs in design and appearance from the properties within the terrace rows.
10. Being located at the end of a row of terraces, the side elevation of the appeal dwelling adjoins the garden areas of the properties at 13, 13A, 15A and 15B

Ancona Road. The front elevation of the properties on Ancona Road run perpendicular to the front elevation of the appeal property, although the main entrance doors to the corner property at 13 and 13A Ancona Road appear to be located within the elevation fronting onto Spezia Road.

11. Whilst smaller in scale, and simpler in design than the existing terrace properties of Spezia Road, the appeal property does not seek to replicate the existing terrace properties and has its own charm that neither competes with, nor harms, the character and appearance of the neighbouring properties or street scene in general.
12. I note that the Council has not raised an objection to the design of the dwelling in the main, and what has been built is similar to that which has previously been granted permission on this site. However, the Council's reasons for refusal on character and appearance relate specifically to the bulk, scale and positioning of the rear dormer, and the excessive height and prominence of the front boundary wall.
13. With regard to the dormer, being situated to the rear of the property this feature is not prominent within the street. A small section of the dormer can be seen when traveling up Spezia Road from Ancona Road, however this view is fleeting and the dormer is viewed against the backdrop of the substantial gable elevation, and large flat roofed two and a half storey rear extension, at 21 Spezia Road.
14. The rear dormer is visible from the windows and garden areas of the residential properties on Ancona Road, and again views of the dormer from these properties would be seen against the backdrop of the large flat roof extension at 21 Spezia Road.
15. I acknowledge the Council have stated that as the dormer is not set below the ridge or sufficiently back from the eaves level, it does not comply with all of the guidance for rear dormers contained within the Council's Residential and Alterations Supplementary Planning Document 2 (SPD). The submitted plans show that the dormer is set back from the eaves level, however it is not set below the ridge height. As such, I concur that the dormer does not fully comply with all of the guidance within the SPD. Nevertheless, I consider that the design, bulk, scale and siting of the rear dormer does not have a detrimental impact upon the character and appearance of the street scene or area in general, and is therefore acceptable in design terms.
16. In respect of the front boundary wall, I observed on site that Spezia Road consists of a variety of front boundary wall designs and treatments. The terrace properties are generally characterised by low brick walls and pillars, with some of these walls having metal railings affixed to the top, or in most cases hedgerows located on the inside of the wall which protrude above. These front boundary treatments contribute positively to the street scene and the terraced rows which they serve, albeit there is a significant variety in heights and design of these front walls. However, at either end of Spezia Road the boundary treatment height increases as they serve as side walls for the properties that front onto the adjacent perpendicular streets.
17. On one side the wall at the appeal site adjoins the higher boundary wall that serves the side and rear boundary of the end property on Ancona Road, and on the other side the wall adjoins the end pillar of 21 Spezia Road's front

boundary treatment. The wall at the appeal site is lower than number 21's pillar, however it is acknowledged the main front wall of 21 is much lower than both this pillar and the wall at the appeal site.

18. Nevertheless, the wall at the appeal site does provide a gradual step down in boundary treatments from the higher wall at the end of Spezia Road, to the lower walls to the front of the terrace properties. Furthermore, the appeal site is clearly a different house type and design to the existing terrace rows and therefore can accommodate a slightly different design of front boundary wall without appearing out of place on the street.
19. Furthermore, directly opposite the appeal site the detached dwelling at the Coach House has a timber fence and high hedge protruding significantly above its front boundary wall. Again, this wall and fence at the Coach House provides a gradual and logical step down from the higher boundary wall at the end of the street, to the lower walls fronting the terrace properties.
20. In view of the above, it is considered that the boundary wall complements the existing variety of boundary treatments on the street and thus does not represent an incongruous and prominent feature.
21. For the reasons set out above, I conclude that the development, including the rear dormer and front boundary wall, does not appear as an incongruous addition to the street scene and would not have a harmful effect on the character and appearance of the area. Accordingly, I find no conflict with Policies D3 of the London Plan (2021), and Policies DMP1 and BD1 of the Brent Local Plan (2019-2041), which amongst other things, require development to positively respond to local distinctiveness, be of the highest architectural and urban design quality, and provide high levels of external amenity.

Effect upon the occupiers of neighbouring properties

22. I note that the Council's third reason for refusal states that the rear dormer would have an unacceptable impact upon the occupiers of neighbouring properties, and the officer report quantifies this by stating that the dormer window significantly increases the potential for overlooking to neighbouring properties, particularly the gardens of 21 Spezia Road, and 17 A&B Spezia Road.
23. With regards to the concerns raised in the Council's officer report, number 21 Spezia Road is the adjoining terrace property and this dwelling has a large two and a half storey flat roof rear extension which projects significantly further back than the appeal dwelling. Beyond this rear extension is the rear garden area of 21 Spezia Road, however given the significant distance from the dormer window to this garden area, and the angle of view, the dormer does not result in any significant degree of overlooking, if any overlooking at all, into the rear garden of 21 Spezia Road. The relationship between the rear dormer and the rear garden of 21 Spezia Road is therefore acceptable.
24. Furthermore, the property(s) at 17 Spezia Road is situated three doors down from the appeal property and the rear garden area of this property is completely screened from the dormer by the aforementioned rear extension at 21 Spezia Road. As such, the rear garden of 17 Spezia Road is not visible from the dormer and therefore is not overlooked by the dormer in anyway. Thus, the

relationship between the dormer and the rear garden of 17 Spezia Road is also acceptable.

25. The dormer window does however face towards the rear garden areas of the properties fronting onto Ancona Road. Directly to the rear of the appeal site is the rear garden area associated with the properties at 15A and 15B Ancona Road (herein referred to as 15 Ancona Road), and beyond this is the rear garden area belonging to the property(s) at 17 Ancona Road.
26. The dormer serves a bedroom, and whilst not annotated on the submitted plans, the rear dormer window is currently fitted with obscure film up to a height of approximately 1.7m above floor level in this bedroom. This obscure film acts in a similar way to obscure glazing, but can be easily removed.
27. During my site visit I could see the window is a 'tilt and turn' window, and when shut, or within its tilted open position with the hinge at the bottom, views out of the dormer window are severely restricted and do not result in any significant levels of overlooking into neighbouring gardens as a result of the obscure film.
28. When the window is fully open, with the hinge at the side, users of the bedroom would be able to overlook the rear garden area of the property at 15 Ancona Road, albeit the bottom end of this relatively long rear garden area which is the part of the garden area that will be least frequently used.
29. Occupiers would also have a view towards the rear garden of 17 Ancona Road and properties beyond, however due to the existing side boundary fencing and the angle, views into the gardens beyond number 15 Ancona Road would be limited.
30. The occupant(s) of the appeal property would also have a view towards the rear elevations of the houses on Ancona Road, and the rest of the rear garden area of 15 Ancona Road, when the window is fully open. However, in order to benefit from this view the occupant(s) would need to lean significantly out of the dormer window, and thus this is considered to be somewhat unlikely.
31. As such, and in reality, the main overlooking from the dormer would be experienced at the bottom end of the garden of number 15 Ancona Road, when the window is in its fully open position, and therefore subject to a condition requiring the window to be obscurely glazed up to a height of 1.7m above floor level, I consider the relationship to be acceptable.
32. In addition to the obscurely glazed dormer window, the bedroom also benefits from a front roof light which can be opened and provides ventilation and an outlook at the front of the dwelling without the need to open the rear dormer window.
33. I conclude the proposed development would not result in an unacceptable level of overlooking and consequently accords with Policies BD1 and DMP1 of the BLP, and Policy D3 of the London Plan, which seek, amongst other things, to deliver a high standard of design, deliver appropriate levels of privacy and provide high levels of amenity.

Conditions

34. The Council has provided a list of suggested planning conditions, which I have assessed in respect of the requirements of the Framework, and advice provided in the Planning Practice Guidance.
35. As the development has been completed and is currently occupied, it is not necessary to include the standard time limit condition, or the plans condition.
36. The Council has requested a condition requiring the bin storage details to be implemented prior to first occupation. As the dwelling is already occupied I have amended the wording of this suggested condition to ensure that the bin storage area, as shown on the approved plan, is provided within three months of the date of this permission and retained for its intended purpose thereafter (1). This condition is necessary in the interest of visual amenity and to provide adequate space for the storage of refuse bins.
37. The Council has suggested a condition requiring the details of one secure cycle parking space to be submitted to and approved, and provided on site, before the dwelling is occupied. Again, the dwelling is already occupied and thus the timing and trigger for any such condition would need to be amended. The appellant contends that a secure cycle space exists on site and therefore this condition is unnecessary.
38. The submitted plans do not however show or provide any details of this secure cycle space and thus I consider it necessary to include a condition that requires the details of the cycle storage facility to be submitted for the written approval of the Council within three months of the date of this permission. Once the details are approved the appellant has a further three months to install the secure cycle parking space on site, and the secure cycle parking space shall be retained thereafter (2). This condition is considered necessary to ensure satisfactory provision for cyclists and to encourage sustainable modes of transport.
39. Whilst not suggested by the Council, I have included a condition which requires details of the obscure glazing of the rear dormer window, up to a height of at least 1.7m above floor level, to be submitted for the written approval of the Council. Once approved the appellant would have three months to install the obscure glazing within this window, which shall be retained as such thereafter (3).
40. It is acknowledged that the dormer window is currently obscured up to approximately 1.7m in height above the floor level, however the imposition of this condition provides clarity and control on the amount and level of obscure glazing, and ensures it is retained as obscurely glazed thereafter. This condition is therefore necessary to reduce levels of overlooking into a neighbouring garden.
41. The Council has requested a condition that requires off-site highway works, including the reinstatement of a footway and provision of a new on-street parking bay, to be carried out prior to occupation of the dwelling. As the dwelling is already occupied this condition is not precise, and furthermore I do not consider this condition to be necessary and reasonable to make the development acceptable as the appeal site is located within a sustainable

location and the use of alternative sustainable transport modes should be encouraged.

Conclusion

42. For the reasons given above, the proposed development would accord with the development plan when taken as a whole and there are no material considerations that indicate it should be determined other than in accordance with it. I therefore conclude that the appeal should be allowed.

R Major

INSPECTOR