



Appeal Decision

Site visit made on 28 November 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2023

Appeal Ref: APP/T5150/D/23/3326979

41 Norval Road, Wembley HA0 3TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Nayan Gami against the decision of the London Borough of Brent Council.
- The application Ref 21/3856, dated 14 October 2021, was approved on 9 May 2023 and planning permission was granted subject to conditions.
- The development permitted is first floor rear and single storey rear extension, window replacement to the front elevation, window to the side elevation, replacement front door, rear boiler outhouse, outbuilding and associated hardstanding and alterations to reduce the height of the existing raised patio and the proposed relocation of the air conditioning unit to dwellinghouse.
- The condition in dispute is No 6 which states that: The alterations as carried out and shown on the approved drawings, including the replacement of the front door to a timber one, matching the pre-existing, a reduction in height of the raised patio to no more than 0.3m situated at the immediate rear of the dwellinghouse, in addition to a reduction in scale of the unauthorised hardstanding surrounding the garden building shall be implemented within six months of the date of this permission.
- The reason given for the condition is: To remedy the harm to the character and appearance of the dwellinghouse and Sudbury Court Conservation Area as a result of the unauthorised works.

Decision

1. The appeal is allowed and the planning permission Ref 21/3856 for first floor rear and single storey rear extension, window replacement to the front elevation, window to the side elevation, replacement front door, rear boiler outhouse, outbuilding and associated hardstanding and alterations to reduce the height of the existing raised patio and the proposed relocation of the air conditioning unit to dwellinghouse at 41 Norval Road, Wembley HA0 3TD, granted on 9 May 2023 by the London Borough of Brent Council, is varied by deleting condition 6 to be replaced by modified condition 6 as follows:
 - 6) The hardstanding surrounding the outbuilding, shall be reduced in accordance with details shown on Drawing Ref As-Built Rear Outbuilding NR41-01-1008D, within six months from the date of this decision, and shall be retained as such thereafter.

Background and Main Issue

2. Planning permission Ref 21/3856 was recently granted and regularises development which appeared to differ from approved plans under an earlier planning permission. This recent planning permission has a condition imposed which requires changes to existing features at the property to preserve the

character of the area. The appellant considers these changes unnecessary and is seeking to remove or modify the requirements of this condition.

3. Therefore, the main issue in this case is the effect of removing or modifying condition 6 on the character or appearance of the Sudbury Court Conservation Area.

Reasons

4. The appeal property is a detached dwelling in the Sudbury Court Conservation Area (CA). This residential estate was largely built in the late 1920's. It is a good example of the mock-Tudor approach to suburban housing design that was prominent in this era. The estate is a mix of detached and semi-detached dwellings and there is variation in detail. However, there is a strong coherency in the generally black and white timbered, gabled form of the houses. Also, while the built form is reasonably dense in the estate, properties have good sized rear gardens, and this is a distinct and positive feature in the area.
5. Although the appeal property has been subject to alterations, its front elevation largely retains its original character. As such the property contributes positively to the rhythm and consistency of design in the street, and in turn adds to the historic interest and the significance of this part of the CA.
6. The existing front door is understood to be uPVC. Be this as it may, the door has leaded glazed panels that reflect the detail in the windows of the property. In addition to this, the overall style of the door has a distinct suburban quality that is generally in keeping with the design aesthetic of the host property and dwellings in the wider estate. Also, unlike many of the neighbouring properties, the space around the appeal property's front door is not enclosed. As such this sympathetically design door is seen in the context of the largely original recessed porch feature.
7. The CA Design Guide advises that timber replacement front doors is preferred, however, slim section framed uPVC is accepted provided it is in keeping with the existing windows in the front elevation. As already outlined, this is the case in this instance. Consequently, I find that retaining the existing front door would not be harmful to the appearance of the dwelling and would not erode the interest or important features that are significant to this part of the CA.
8. The rear of the property has been subject to more significant changes, and this includes a raised patio attached to the rear elevation of the dwelling. While this patio exceeds 0.3 m which is indicated as being allowed by permitted development rights, at 0.5m, it only just exceeds this allowance, and is relatively modest in height. Moreover, as advised in the CA Design Guide, the patio is stepped in from the shared side boundaries.
9. The depth of the raised patio appears proportionate in scale to this detached dwelling that benefits from a good size plot. Also, the style of the patio does not appear at odds with the appearance of the host dwelling. Moreover, the depth and style of this feature is generally consistent with the guidance for patios and terraces set out in the CA Design Guide. With these design features, the patio is not harmful to the appearance of the dwelling and is not out of keeping with the character of this suburban setting.

10. The hardstanding associated with the outbuilding at the rear of the garden is expansive. However, as already stated, this is a large garden and even with the hardstanding, raised patio and outbuildings, considerable green space remains.
11. This aside, condition 4 of Planning Permission Ref 21/3856 requires the replacement of two trees at the shared side boundary. The hardstanding in question is built close to this boundary and therefore has the potential to restrict the root growth of the replacement trees. As such the existing hardstanding does not provide favourable conditions for these green features to thrive.
12. Spacious gardens are important to the character of the CA. They also add environmental value in this reasonably closeknit estate. The loss of trees, which in this case could occur as a result of unfavourable planting conditions, would significantly harm the verdant appearance of the rear garden of the appeal property.
13. While the visual impact would be localised, if these green features were not secured, their absence would erode this important feature of the area and in this regard the significance of this CA would not be preserved. A condition that provides certainty that the trees will be planted in a suitable environment is necessary and reasonable for this reason. It would satisfy the test for conditions as set out in the National Planning Policy Framework (the Framework) and Planning Practice Guidance in this regard.
14. Attention has been drawn to nearby properties that appear to have large areas of hardstanding in their rear gardens. However, limited information about the circumstances of those developments have been submitted to allow consideration of this matter. This aside, development elsewhere should not justify harmful development at the appeal property. This has not altered my findings on this matter for this reason.
15. While it is necessary to impose a condition requiring the reduction of the hardstanding associated with the outbuilding, I have found that modifying condition 6, in respect of the replacement front door and the reduction in height of the rear raised patio, would preserve the character or appearance of the Sudbury Court Conservation Area. In respect of these specific features, the proposal would not conflict with Policies DMP1, BD1 and BHC1 of the Brent Local Plan and Policy HC1 of the London Plan. These Policies collectively require that all new development must be of the highest architectural and urban design quality.
16. These modifications to condition 6 would also generally accord with advice set out in the Sudbury Court Conservation Area Design Guide, and with provisions of the Framework which seek well-designed places and to conserve the historic environment.

Other Matters

17. Concern has been raised about neighbouring residents' loss of privacy resulting from the presence of the patio. However, as already outlined the patio is a modest height and is set in from both side, shared boundaries. Moreover, there are high, relatively solid boundary treatments at these shared boundaries. With these combined features, the patio does not provide significant views over the neighbouring rear gardens. Also, with this good degree of separation and

screening, nor does the patio allow significant views of the rear ground floor of neighbouring dwellings. As such I find that the patio, at its existing height, does not harmfully diminish the sense of privacy that the occupants of the neighbouring dwellings should reasonably expect in the rear of their properties.

18. The appellant's Flood Risk Assessment suggests that the hardstanding does not increase flood risk at the property, and that the development is consistent with flood management policies of the Brent Local Plan. Even if I accepted this, the reduction in the size of this existing feature is necessary to preserve the character of this part of the CA. This matter has not altered my findings for this reason.

Conclusion

19. For the reasons stated and having regard to the development plan and other material considerations, the appeal should be allowed, and existing condition 6 is deleted and replaced with modified condition 6 as outlined above.

A J Sutton

INSPECTOR