



Appeal Decision

Site visit made on 6 December 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/T5150/W/23/3324605
19B Wendover Road, London NW10 4RX

- 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 Mr Philip Farnham against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/0187, dated 26 January 2023, was refused by notice dated 31 March 2023.
 - The development proposed is proposed rear dormer window with Juliet balcony with rear terrace over the outrigger, increase in parapet height and three front rooflights to dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this is a more succinct description than that in the application form.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site is a first floor flat within a two storey building on the west side of Wendover Road, backing onto Avenue Road. A range of rear alterations and additions to the immediate group of dwellings are visible from Avenue Road, but pitched roof rear outriggers remain a prevalent feature within the group.
5. The proposal seeks permission for a rear dormer with Juliet balcony and rear terrace over the existing outrigger associated with the ground floor of the property, in addition to an increase in parapet height and three front rooflights. The Council has found that the rear dormer window would not, in itself, result in harm to the character and appearance of the area, and has raised no objection to the front rooflights. Based on my observations I have no reason to disagree.
6. However, while reference has been made to various rear terraces within the area, including one on Tubbs Road that is similar in appearance to the proposal and highly visible in the wider surrounds, it remains that no such terraces are present within the immediate group of dwellings to which the appeal property belongs. Even acknowledging the varied rear alterations and additions within this grouping of properties, the addition of the proposed terrace would introduce a visually jarring

feature that would appear out of place in context. It would visually dilute the pitched roof nature of the rear outrigger, negatively affecting the current, shared consistency in form at these properties in this regard. Its incongruous nature would be further highlighted by the proposed use of stained timber cladding or cedar boarding materials for the terrace surrounds, which do not appear to be common or defining characteristics of nearby development.

7. The building up of the party wall ridge height as shown on the submitted plans would reflect the greater pitched outriggers of developments close to the site with greater party wall ridge heights than the appeal property. Nevertheless, the presence of the terrace itself, notable due to its screens and combined bulk alongside the proposed dormer, would introduce a conspicuous feature at the property that would fail to respect the character and proportions of the dwelling or the immediately surrounding area.
8. For the reasons given I find the proposal would have a significant adverse effect on the character and appearance of the area. As such, it would fail to comply with Policy D3 of the London Plan 2021, Policies DMP1 and BP1 of the Brent Local Plan 2019-2041 and SPD2 Residential Extensions and Alterations 2018 insofar as they seek to ensure development is of a high quality design that responds to local distinctiveness and complements the locality.

Other Matters

9. Reference is made to numerous examples of rear terraces within the area, both consented by the Council and allowed on appeal. I have limited information before on the precise nature of these terraces, the circumstances of their approval and their comparability to the proposal. In any event, each scheme is decided on its own site-specific circumstances and reference to development elsewhere carries little weight.
10. The appellant has referred to pre-application discussions with the Council that informed the design of the proposal. However, such discussions do not represent a final decision on the scheme and I must assess the proposal as it appears before me in accordance with current policy. In addition, while the appellant has stated that they are open to amending the scheme, I must base my decision on the plans that were before the Council at the time it made a decision on the proposal.
11. It is agreed between the main parties that the proposal would not result in harm to the living conditions of surrounding occupiers. Based on my observations I have no reason to disagree. This represents a lack of harm, which is neutral in the planning balance.
12. The proposal would provide external amenity space for the occupiers of the appeal property, which would have benefits for the physical and mental wellbeing of these occupiers. I acknowledge that this is a benefit of the scheme. However, it remains that local and national policy is clear that development should respect the character and appearance of the local area. Even when taken together with the other matters outlined above, I do not find that the benefit arising from this outdoor space would outweigh the harm identified to the character and appearance of the area.

Conclusion

13. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the

appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR