
Appeal Decision

Site visit made on 5 December 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28TH December 2023

Appeal Ref: APP/T5150/D/23/3330588

8 Barn Rise, Wembley, Middlesex, HA9 9NA

- 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 Jix Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2064, dated 14 June 2023, was refused by notice dated 16 August 2023.
 - The development proposed is the demolition of side garage & removal of chimney-stack and erection of two-storey side extension, single-storey rear extension, 1st floor rear bay window, rear dormer, 2x side rooflights and 1x rear rooflight.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of side garage & removal of chimney-stack and erection of two-storey side extension, single-storey rear extension, 1st floor rear bay window, rear dormer, 2x side rooflights and 1x rear rooflight at 8 Barn Rise, Wembley, Middlesex, HA9 9NA in accordance with the terms of the application Ref 23/2064, dated 14 June 2023.

Main issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Barn Hill Conservation Area (CA).

Reasons

3. The appeal property is a detached dwelling in a street displaying most of the features which establish the CA's special character¹. As its address implies, it is situated on rising ground displaying characteristic features such as bay windows with tile hanging and mock Tudor decoration. It is an attractive dwelling set in a pleasant visual environment.
4. The officer report is structured so that each element of the scheme, as set out in the description of the proposal, is individually assessed having regard to the guidance provided in the DG. The outcome of the assessment is that all the individual elements of the scheme, bar one, are considered acceptable in this heritage context. I share the Council's view on those aspects found acceptable, for the same reasons as set out in the officer report.

¹ Section 1.1 Barn Hill Conservation Area Design Guide 2013 (DG). The DG attract considerable weight as a material consideration not least because it well-written, well-illustrated and has been subject to public consultation.

5. The sole area of concern centres on the proposed first floor rear bay window extension. The officer assessment begins with the statement that '*two storey rear extensions are not supported in the Barn Hill Conservation Area*'. However, the DG gives greater clarity, and provides:

Most houses in Barn Hill are relatively modest in size. This means that, in most cases, nothing other than a small extension will be acceptable. The Barn Hill area benefits from its hilly character but the dramatic changes in level throughout the Conservation Area mean that two storey rear extensions will not normally be permitted because they will have a seriously negative impact on your neighbour.

6. It is of course a matter of opinion as to whether the appeal property is modest in size. Be that as it may, the Council takes the view it is capable of successfully accommodating a sizeable side extension without affecting its intrinsic character or that of the CA. It appears to me that the first floor rear extension, in itself, is modestly proportioned and the feature would add visual interest to a part of the house which is rather plain, notwithstanding the removal of a chimney. The gabled and bayed features would match the similar features on the other side of the elevation, adding a pleasant symmetry.
7. As the Council acknowledges, this feature would be less prominent than if it were proposed at the front. However, I saw that the dwelling's rear elevation was visible from some publicly accessible vantage points in Eversley Avenue, which runs at right angles to Barn Rise. However, that which could be seen, were the proposal built, would not prove harmful; indeed, it would add visual interest to the rear elevation.
8. The Council acknowledges in the officer report that the first floor rear extension would not harm neighbouring living conditions, a view which I share. This is of significance given the principal reason provided in the DG why two storey rear extensions would not normally be permitted².
9. I conclude that the constituent parts of the scheme and the scheme as a whole would sit acceptably in their visual and spatial context. I find that this is a well thought out and well-designed scheme which would preserve the character and appearance of the CA. Accordingly, no conflict arises with those provisions of Brent's Development Management Policies Document policy DMP1 requiring the design of new development to provide a high level of amenity, or policy BMC1 requiring proposals to sustain the significance of heritage assets and ensuring that extensions are not overly dominating.

Conditions

10. The Council's suggested conditions regarding materials and that the development shall be carried out in accordance with the approved plans shall be imposed in the interests of visual amenity and certainty respectively.
11. The Council's suggested conditions on side elevation windows and use of roof areas are imposed so as to protect neighbouring amenity, albeit in a modified form.
12. A condition to protect trees during the construction process is imposed in the interests of amenity.

² '*..because they will have a seriously negative impact on your neighbour*'

Other matters

13. All other matters raised in the representations have been taken into account, in particular the accounts of the property's planning history³ and the Council's references to other planning decisions in the locality⁴.
14. I have noted the references to other development plan policies, but those to which I have referred are considered the most relevant in the particular circumstances of this appeal. I have also considered the references to the *National Planning Policy Framework*.
15. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:
4. ST_22_8BARNRISE_4thApp_01 Rev.L; ST_22_8BARNRISE_4thApp_02 Rev.L; ST_22_8BARNRISE_4thApp_03 Rev.L; ST_22_8BARNRISE_4thApp_04 Rev.L; ST_22_8BARNRISE_4thApp_05 Rev.L; ST_22_8BARNRISE_4thApp_06 Rev.L; ST_22_8BARNRISE_4thApp_07 Rev.L; ST_22_8BARNRISE_4thApp_08 Rev.L; ST_22_8BARNRISE_4thApp_09 Rev.L; ST_22_8BARNRISE_4thApp_10 Rev.L & ST_22_8BARNRISE_4thApp_11 Rev.L.
5. Any new windows to be inserted in the side roof/elevations of the appeal property shall be obscurely glazed and non-openable below a height of 1.7m above internal finished floor level. Once inserted the windows shall be retained in that form.
6. No roof of any of the extensions hereby permitted shall be used as a balcony, terrace or sitting out area.
7. The development shall be carried out in accordance with the content, conclusions and recommendations of the Arboricultural Impact Assessment Statement produced by Arbol Euro Consulting Ltd dated 24 February 2023.

³ Including the recently granted planning permission Ref 23/0720

⁴ These attract little weight since I have not aware of the full circumstances of those cases.

