



Appeal Decision

Site visit made on 15 November 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

Appeal Ref: APP/T5150/W/23/3319399

23 Eton Avenue, Brent, Wembley HA0 3AZ

- 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 R Singh against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/0142, dated 18 January 2023, was refused by notice dated 15 March 2023.
 - The development proposed is demolition of existing bungalow and erection of a two storey building comprising of 4 self contained flats with associated amenity space and refuse and bicycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow and erection of a two storey building comprising of 4 self contained flats with associated amenity space and refuse and bicycle storage, at 23 Eton Avenue, Brent, Wembley HA0 3AZ, in accordance with the terms of the application, Ref 23/0142, dated 18 January 2023, subject to the conditions listed in the attached schedule.

Preliminary Matters

2. An update to the National Planning Policy Framework (the Framework) was published on 19 December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide suitable living conditions for the future occupiers of Flats 2 and 4 in terms of outlook.

Reasons

Character and appearance

4. The appeal site is a detached bungalow in a residential street comprising a range of dwelling types. The site is bound to both sides by other detached properties, with one being a bungalow and the other being a 2-storey house. Elsewhere in the street are detached, semi-detached and terraced bungalows and houses of a range of scales and architectural styles.

5. The site benefits from planning permission granted in December 2022 for development of a similar description to that subject to the appeal, and I have been provided details of the approved scheme. Although the extant planning permission is a material consideration, my determination of the appeal is based on the details relevant to the current proposal.
6. The proposal would comprise a 2-storey building with a staggered first-floor rear elevation. When viewed from the rear, the right-hand part of the rear elevation would be stepped slightly outwards, with the resulting side elevation extending to the ridge of the roof. The Council's concerns relate to this element of the scheme, described in the officer report as a projecting flat-roofed crown feature.
7. This element of the scheme would be most prominently visible from the rear of the adjacent property of No 25 Eton Avenue. It would also be visible to an extent from the rear gardens of properties further to the east and from the non-residential uses to the rear, although the mature vegetation along the rear boundary would provide an element of screening to such views.
8. When viewed from the rear, the streetscape exhibits a degree of variation that is perhaps even more noticeable than from the front. Although the host property and the immediate neighbours to the west are all bungalows of similar appearance, the dwellings to the east are of varied roof shape and incorporate a range of extensions and alterations, including a large flat-roofed 2-storey extension to the rear of No 25 which sits adjacent to a prominent gable end on No 27.
9. The side elevation of the proposed first-floor extension would extend to the ridge, which the Council's officer report describes as giving the appearance of a three-storey flank projection. However, it would be of modest depth and only marginally taller than the ridge of the existing property, whilst also being lower than several other properties within the street. Given the variation of design within the street and the modest depth of the proposal, it would not appear incongruous, poorly designed, or have an adverse effect on the character or appearance of the area.
10. For the reasons given above, the proposed development would not be harmful to the character or appearance of the area and would accord with Policies DMP1 and BD1 of the Brent Local Plan 2019-2041 – Adopted February 2022 (the BLP), which together seek, among other objectives, for the scale, detailing and design of development to complement the locality, and for development to deliver high quality design. It would also accord with the provisions of the Brent Design Guide SPD1 – November 2018 (the SPD), which has similar aims.

Living conditions

11. Flat 2 would be located on the ground floor. Its rear-facing bedroom window would sit between a close-boarded boundary fence to one side and the side wall of a ground floor rear projection to the other.
12. The Council considers the solid features to both sides of this window would create a narrow passage, and I do not dispute they would limit outlook to an extent. However, the passage would be wider than the window and the ground floor rear projection would not extend significantly beyond or above the window. This would ensure a reasonable standard of outlook whereby a

sizeable proportion of the rear garden would be visible from the window, including a clear line of sight to the rear boundary where vegetation is proposed to be retained. Accordingly, I find the proposal would deliver an acceptable standard of outlook for Flat 2.

13. Flat 4 is located at first-floor level and comprises a studio flat. The living area features a rear-facing window overlooking the garden area. The sleeping area is separated from the living area by a partition, with this area being served by a rooflight.
14. The Council's officer report assesses Flat 4 as a single-person unit. As such, a prospective occupier would, in all likelihood, have free reign of the entire unit to move between rooms to suit their needs. In this case, although outlook would be limited from the sleeping area, a reasonable level of natural daylight would be provided by the rooflight, and the open-plan layout would allow prospective occupiers to easily pass beyond the small partition to be afforded clear outlook over the garden area. Even if the unit was occupied by more than one person, given its nature as a studio the likely occupiers would be couples or individuals related to one another where a similar freedom to move about the unit would apply. As such, because of the nature of the unit, the good level of outlook from the living area and the proximity of this to the sleeping area, Flat 4 would provide future occupiers with an acceptable standard of outlook.
15. For the reasons given above, the proposed development would provide an acceptable level of outlook to Flats 2 and 4, which would provide suitable living conditions for future occupiers. The proposal would therefore accord with Policy DMP1 of the BLP, which seeks, among other objectives, for development to provide high levels of internal and external amenity. It would also accord with the provisions of the SPD, which has similar aims.

Conditions

16. The Council has provided a list of suggested conditions that I have considered against the provisions of paragraph 56 of the Framework and the Planning Practice Guidance (the PPG). To ensure compliance with these provisions I have amended, and in some cases omitted, certain conditions.
17. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty. Conditions requiring details of external materials are necessary to protect the character and appearance of the area.
18. Details of a proposed scheme of hard and soft landscaping are necessary to protect the character and appearance of the area, to provide suitable living conditions for future occupiers, and to provide ecological and biodiversity benefits.
19. Conditions requiring the development to take place in accordance with the approved details relating to flood risk and trees are necessary in the interests of preventing surface water flooding and ensuring trees are not damaged during the construction period.
20. I agree to the suggested condition that the existing vehicular crossover should be removed and replaced with a footway and verge prior to occupation of the development in the interests of pedestrian safety.

21. The Council has suggested an additional condition removing the right for occupiers to apply for residential or visitor parking permits, to ensure the development does not result in increased parking demand in the area. In this case, the on-site parking provision would be below, and therefore in compliance, with the maximum standards set by the development plan. The Council has not refused the application based on parking related issues. Eton Avenue is a narrow street with dedicated parking bays on the carriageway, and although my visit was a snapshot in time, there were numerous on-street parking spaces available close to the appeal site. Given that the removal of the existing crossover would also create additional capacity for on-street parking, and that I have been provided with limited substantive details supporting the imposition of this condition, I do not consider it to be necessary or reasonable.
22. I am provided with limited substantive details as to why conditions relating to air quality, sound insulation or a construction method statement are necessary for the proposed development. Given the limited scale of the development and the nature of the surroundings, I do not consider these conditions to be necessary or reasonable.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan – 21051S 01.03 Rev A
Proposed Roof Plans & Elevations – 04.01 Rev G
Proposed Plans – 21051S 02.01 Rev G
Bin and Bike Details – 06.01 Rev F
Fire Plans – 21051S 05.01 Rev G
- 3) No above ground works shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) Notwithstanding the approved plans, no dwelling hereby approved shall be occupied until a fully detailed scheme for hard and soft landscaping and a timetable for its implementation has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details and proposed timing of landscaping, ground preparation and planting plans noting the species, plant sizes, planting densities for all new planting, including at least 1 tree; details of the green roof; details of boundary treatments and hard surfaces; and a scheme of maintenance of the landscaping (for a period of five years following planting). The scheme shall be implemented and maintained in accordance with the approved details and timings.
- 5) Prior to the occupation of any dwelling hereby approved, the existing vehicular footway crossover shall be removed and replaced with a footway and verge.
- 6) The development hereby approved shall be undertaken in accordance with the Tree Protection Plan (Ref OS 2452-22.1 Rev E) and Arboricultural Impact Assessment (Ref OS 2452-22-Doc1 Rvs D) prepared by Open Spaces.
- 7) The development hereby approved shall be undertaken in accordance with the Flood Risk Assessment (Ref MT/5753/FRA.2) prepared by Bellamy Roberts.

**** End of conditions ****