

Appeal Decision

Site visit made on 6 February 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2024

Appeal Ref: APP/T5150/D/23/3330898

3 Falcon Way, Harrow, Brent, HA3 0TW

- 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 Sivakanthan Sivalingam against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2134, dated 19 June 2023, was refused by notice dated 25 August 2023.
 - The development proposed is a retrospective gym room at the rear of the garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development the subject of this appeal has already taken place.
3. The Council considers that the development the subject of this appeal is not considered to be reasonably required for incidental purposes to that of the main dwelling.
4. In this regard, I am mindful that the development includes features, including a bathroom and what could be described as a kitchen area, which would suggest that the development is capable of being used as self-contained accommodation. However, whether or not the outbuilding is reasonably required for purposes incidental to the main dwelling is not entirely clear from the information before me. Taking this into account, I set out the main issues in this case as below.

Main Issues

5. The main issues in this case are the effect of the development on the character and appearance of the area; and its effect on the living conditions of the occupiers of Number 5 Falcon Way with regards to outlook.

Reasons

Character and appearance

6. The appeal property comprises a semi-detached two storey dwelling located in a residential area, largely characterised by the presence of similar two storey semi-detached dwellings.
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7. The appeal property, like many other dwellings in the surrounding area, is set back from the road behind a short parking area and has a longer garden area to the rear. The presence of front parking areas, occasional front gardens, pockets of public open space and a small number of trees provides for a sense of spaciousness and greenery.
8. During my site visit, I observed that many dwellings in the area have been altered and/or extended. I also noted the presence of outbuildings in numerous rear gardens. With the exception of a notably large outbuilding to the rear of the neighbouring dwelling, Number 5 Falcon Way, complete with what appears to be an independent access in the form of a fenced corridor, I noted that generally, most outbuildings visible in surrounding gardens appear as modest ancillary structures in keeping with a residential garden character.
9. The development the subject of this appeal is a large, flat-roofed, irregular-shaped structure. It wraps around the irregular, almost wedge-shaped end of the appeal property's rear garden and steps forward towards the dwelling's rear elevation.
10. As a consequence of the above, the development appears as a large and awkward building. Its scale and features lead it to draw attention to itself, such that it unduly dominates the rear outlook from No 3 and appears prominently in that from neighbouring properties. It does not appear as a subservient building in keeping with its garden setting.
11. Given the above, I find that the development harms the character and appearance of the area, contrary to the National Planning Policy Framework, to Policies DMP1 and BD1 of the Brent Local Plan (2022) and to the Council's Supplementary Planning Document: SPD2 Residential Extensions and Alterations (2018), which together amongst other things, seek to protect local character.

Living conditions

12. The longest side of the development the subject of this appeal extends along the shared rear boundary with No 5 Falcon Way.
13. As noted above, No 5 has a rear outbuilding which has independent access in the form of a fenced corridor, forming the side of No 5's rear garden. The development the subject of this appeal runs alongside this fenced corridor such that it has no discernible impact on the rear garden of No 5 Falcon Way.
14. Consequently, the development does not harm the living conditions of the occupiers of Number 5 Falcon Way with regards to outlook and is not contrary to the National Planning Policy Framework, to Policies DMP1 and BD1 of the Brent Local Plan (2022) and to the Council's Supplementary Planning Document: SPD2 Residential Extensions and Alterations (2018), which together amongst other things, seek to residential amenity.

Other Matters

15. The Council, in one of its reasons for refusal, refers to a failure by the applicant to demonstrate that the retention of the building the subject of this appeal would make appropriate provision for flood risk mitigation.

16. Whilst the appellant, in support of his case, has submitted a flood risk map, this appears to support the Council's consideration that part of the appeal property is located in Flood Zone 2.

17. In the absence of any substantive evidence to the contrary, I am unable to conclude that the development the subject of this appeal is resistant and resilient to all relevant sources of flooding and this is a factor that adds weight to my conclusion below.

Conclusion

18. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR