
Appeal Decisions

Site visit made on 16 April 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024

Appeal A Ref: APP/T5150/D/23/3331502

137 Chatsworth Road, London NW2 5QT

- 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 Wenger Investments Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2494, dated 24 July 2023, was refused by notice dated 18 September 2023.
 - The development proposed is described as alterations to roof and fascia to retain part single storey rear part two storey rear and two storey side extension and retention of rear dormer window and one roof light to front, two roof lights to side elevation and roof light to single storey rear extension.
-

Appeal B Ref: APP/T5150/D/24/3338354

137 Chatsworth Road, London NW2 5QT

- 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 Auction Property Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/3330, dated 18 October 2023, was refused by notice dated 13 December 2023.
 - The development proposed is described as alterations to roof and fascia to retain part single storey rear part two storey rear and two storey side extension and retention of rear dormer window and one roof light to front, two roof lights to side elevation and roof light to single storey rear extension.
-

Appeal C Ref: APP/T5150/D/24/3338835

137 Chatsworth Road, London NW2 5QT

- 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 Investments (Hayes) Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/3694, dated 24 November 2023, was refused by notice dated 2 February 2024.
 - The development proposed is described as alterations to roof and fascia to retain part single storey rear part two storey rear and two storey side extension and retention of rear dormer window and one roof light to front, two roof lights to side elevation and roof light to single storey rear extension.
-

Decisions

Appeal A Ref: APP/T5150/D/23/3331502

1. The appeal is dismissed.

Appeal B Ref: APP/T5150/D/24/3338354

2. The appeal is dismissed.

Appeal C Ref: APP/T5150/D/24/3338835

3. The appeal is dismissed.

Applications for Costs

4. An application for costs was made by Auction Property Limited against the Council in respect of Appeal B. An application for costs was also made by Investments (Hayes) Limited against the Council in relation to Appeal C. These applications are the subject of separate decisions.

Procedural matters

5. There are 3 separate planning appeals before me to determine. Although the name of the appellant is different in each case, the proposals and the issues raised between them are very similar. I have therefore assessed the appeals together with distinctions made between the schemes, where appropriate.
6. The description of development set out in the above headings has been taken from the planning application forms. In each case, a revised description was agreed by the Council, which referred to proposed alterations to the roof and fascia over the first-floor side extension, retention of the single storey part rear, part 2-storey side extension, retention of the rear dormer, roof lights to the front, side and rear, and alterations to the fenestration of the dwelling. As the applications were determined on that basis, I consider that no prejudice would be caused if I were to take the same approach.
7. The Council's third reason for refusal in Appeal C states that it considers the plans to be inconsistent and inaccurate to the extent that the proposal cannot be fully assessed. Interested parties also raise significant concerns about the accuracy of the submitted drawings. I have taken these matters into account in my assessment of the proposals, which is based on all the evidence before me, and an inspection of the site and the surroundings. On balance, I am satisfied that the details of all the appeal schemes as shown on the plans and covered in the evidence allow a reasonable assessment of each development.
8. That said, there are discrepancies in the proposed plans most notably in relation to the side roof slope of No 137, the fascia details in the new front elevation alongside 139 Chatsworth Road, and the eaves level adjacent to 135 Chatsworth Road, which is adjacent to the site. The Council has also noted other inconsistencies in the drawings provided particularly in Appeal C. Where appropriate, I refer to these discrepancies and clarify the approach that I have taken later in my decisions.

9. The appellant has provided a plan¹ in relation to Appeal A, which is not listed in the set of drawings that were before the Council when it determined the application. This additional plan shows different fascia details proposed in the front elevation of the appeal dwelling alongside No 139 compared to those illustrated on the drawing² that was originally considered by the Council. To my mind, these revised details alter the substance of the scheme in Appeal A insofar as the character and appearance of the host building are concerned. The appellant has also requested that Appeal C be determined in the light of an extra plan³, which shows a section, roof plan and a 3-dimensional image of the proposed fascia adjacent to No 139. The Council appears to have not formally considered either of these plans as part of their assessment of the respective applications nor have they consulted others on them. In those circumstances, the interests of the Council and others could be prejudiced if I were to take these additional plans into account. Therefore, I have not done so.
10. The reasons for refusal in each appeal refer to the Council's Supplementary Planning Document 2: Residential Extensions Design Guide (2018). I have assumed this reference is in error because the document provided is entitled Residential Extensions and Alterations SPD2 (SPD2).

Background

11. The site has a lengthy planning history, some of which is relevant to the proposals before me. In brief, the appeal dwelling has been extended and altered although in ways that depart from a development that was granted planning permission, which is referred to hereafter as the 'approved scheme'. A subsequent appeal that sought planning permission for the 'as built' development was dismissed, as was an appeal against an enforcement notice insofar as the unauthorised works to the dwelling were concerned. A further amended scheme was refused permission on application and at appeal in November 2023, which is referred to hereafter as the 2023 appeal decision.
12. The proposals before me are further iterations of the development proposals. Each appeal scheme seeks to retain the dwelling 'as built' with various alterations sought to the upper part of the host building. In each case, the appellant considers that the proposal overcomes the objections that were raised to earlier schemes.

Main issues

13. The main issues are common to all 3 appeals, which are the effect of the proposed development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of Nos 135 and 139 with particular regard to light, outlook, visual impact, and sense of enclosure.

¹ Drawing number 160301-74-P0

² Drawing number 16031-72-P4

³ Drawing number 160301-83-P0

Reasons

Character and appearance

14. The appeal property is a part 2-storey, part single storey semi-detached house, which is paired with No 139 and lies within a predominantly residential area. It addresses Chatsworth Road along which dwellings are similar in type, style, and age with some variety in detailed design, roof shapes and use of external materials. Consequently, the general appearance of the existing built form varies within the street scene and the local area to which No 137 belongs.

The main roof

15. Common to each appeal scheme is a reduction to the height of the existing main roof so that the front slope is no longer raised compared to that of No 139, and their main ridges would line up. The flattened part of the existing ridge would also be removed, and traditional ridge tiles would be reinstated. The pitched roof of the side extension would also be reduced in height. With a traditional ridge detail, the side addition would then be noticeably lower than the main roof and thereby emphasise its subordinate relationship to it. Taken together, these changes would improve the overall appearance of the host building and enhance its relationship with No 139.
16. The written submission in Appeal A refers to a new replacement fascia on the eaves of the main roof to match the size and position of that on No 139. However, the submitted plans show no change in this regard since the 'as built' and proposed versions are the same in this regard. Consequently, the drawings in Appeal A would retain the awkward mismatch in the size and depth of the main roof fascia with No 139, which creates an abrupt junction at eaves level between the pair. In the views from the road, the contrast between the main facias No 137 and 139 would continue to distort the intrinsic character of the appeal dwelling and its attached counterpart. Similarly, the new flat roof section above the front entrance and window, which is shown on the proposed roof plan in Appeal A, would be an incongruous detail of the finished building.
17. In Appeals B and C, the new replacement fascia on the eaves to the main roof would match the depth and height of that on No 139. A condition could be imposed to ensure that the material to be used blended in with the finish of the existing fascia of No 139. On that basis, these proposals would address and resolve the visual disharmony caused by the inconsistency between the existing fascias to Nos 137 and 139.

The side extension

18. From what I saw, the flat roof of the side extension occupies a prominent position at the front corner of the existing dwelling. When seen from the road, the flat roof draws the eye because it relates uneasily to the pitched roof slopes of the host building and is an uncommon feature in properties of this style. That there is also a deep fascia to this front corner, with an eaves level that is higher than that of the main roof visually accentuates the incongruity caused by the flat roof on this part of the existing building.
19. By omitting this flat roof with a smaller fascia aligned with that of the main roof and front gable, the proposal in Appeal B satisfactorily resolves this particular concern. However, based on drawing number 16301-72-P5 it would also result

- in the first-floor front window being set back from and depending on the upward angle of view from the road, partly concealed by a parapet wall. This arrangement would unduly disrupt the pattern of fenestration in the proposed front elevation and spoil the appearance of the host building.
20. A different proposal for this part of the building is shown on drawing number 16301-74-P0, with a smaller fascia and higher eaves relative to the main house. However, this plan is inconsistent with the commentary provided in the appellant's written evidence, which indicates that the eaves level would be consistent across the finished building. I have proceeded on that basis.
21. In Appeal A, the flat roof element to the side extension would be enlarged and, from the proposed side elevation, a shallow forward pitch would be introduced. This arrangement would exacerbate the awkward and cumbersome relationship of the front corner to the host building at roof-level. Because the proposal in Appeal C also retains the flat roof at the front corner it would have a similar visual impact. Each proposal would include a smaller fascia that would be designed to closely match the detail of a similar extension to No 135, with which it would be visually 'read'. Whether or not this adjacent extension has been built in accordance with approved plans, its presence is part of the current context to the site and so is a relevant consideration. The previous Inspector in the 2023 appeal decision considered that the presence of a similar feature at No 135 would ensure that the completed dwelling in that case would sit comfortably in the street with its neighbour.
22. Nevertheless, in Appeal C the eaves adjacent to No 135 would remain at an uncharacteristically higher level than that of the main house and the flat roof at the front corner would continue to be a conspicuous and unsympathetic feature of the host building. Consequently, the proposal in Appeal C would detract from the character and appearance of the existing dwelling and it would be an unwelcome addition to the local area notwithstanding the presence of the existing extension at No 135 and the varied built form along Chatsworth Road.
23. On the first main issue, I therefore conclude that the proposals in each appeal would cause significant harm to the character and appearance of the host building and the local area. Accordingly, these developments conflict with Policy D4 of The London Plan, Policy DMP1 of the Brent Local Plan 2019-2041 (LP) and the advice within the Brent Design Guide SPD1 and in SPD2. These policies and guidance aim to ensure that development is of a scale, layout and siting that provides high levels of amenity and complements the locality. Consequently, the proposals before me do not overcome the concerns raised in relation to earlier schemes including those identified in the 2023 appeal.

Living conditions

24. Of the properties close to the site, it is the occupiers of Nos 135 and 139, which are closest to the site, that are most likely to be affected by the proposals. Because the backs of these adjacent properties broadly face north to northeast and given the position of these dwellings in relation to No 137, there would be no discernible loss of sunlight or daylight as a result of the appeal schemes.
25. The side and rear extensions are sizeable additions with sidewalls that are close to those of Nos 135 and alongside No 139. Each of the developments would be visible particularly from the back gardens of these neighbouring properties.

Even so, the general relationship between Nos 135, 137 and 139 in each appeal would be similar to that of the approved scheme, which the Council recently found to be acceptable. From my site inspection, I see no obvious reason to reach a different opinion on this matter. I note that the Inspector in the 2023 appeal decision reached a similar conclusion.

26. Taking all these points into account, I find that neither the height, position nor depth of each appeal scheme would be so great as to overbear, dominate outlook or unduly heighten a sense of enclosure for the occupiers of Nos 135 and 139. Hence, the living conditions of the occupiers of these adjacent properties would not be materially reduced. Therefore, in each case I find no conflict with BLP Policy DMP1 and SPD2 insofar as they aim to safeguard residential amenity. My favourable finding on this matter does not outweigh the harm that I have identified in relation to the first main issue.

Other matters

27. Interested parties raise additional objections including the use of the appeal property and precedent. These are important matters and I have carefully considered all the submitted evidence. However, given my findings on the first main issue, these considerations have not been critical to my decisions.

Conclusion

28. The proposed development in each appeal would conflict with the development plan, as a whole. There are no material considerations, including the National Planning Policy Framework, which indicate that the decisions should be taken otherwise than in accordance with the development plan.
29. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that each appeal should be dismissed.

Gary Deane

INSPECTOR