



Appeal Decision

Site visit made on 13 May 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/T5150/W/23/3331640

20 Neeld Crescent, Wembley, Brent HA9 6LW

- 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 Zyber Construction Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2410, dated 30 July 2023, was refused by notice dated 6 October 2023.
 - The development proposed is the demolition of the existing outbuilding and the construction of a new dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and the area;
 - whether the scheme would provide appropriate living conditions for the occupants of the proposed dwelling, with particular regard to its internal area;
 - whether the proposal would result in the loss of family housing;
 - whether the proposal would encourage sustainable modes of transport, with particular regard to cycle storage and off-street car parking; and
 - the effect of the proposal on biodiversity and flood risk.

Reasons

Character and appearance

3. The host property forms half of a semi-detached pair at the corner of Neeld Crescent and Vivian Avenue, but whose side face is set back from the latter thus contributing to a sense of openness in this prominent location on a road junction. The pair displays a cohesive and symmetrical front face with a hipped roof and twin gables. It sits in a row of other semi-detached pairs on this side of Neeld Crescent, which are in a similar style, and which share characteristics such as a two storey form with a principally hipped roof, and which have a common palette of facing materials.

4. The proposal would turn this pair into a short terrace, thereby disrupting the cohesive grain and rhythm of development in this part of the streetscene. Whilst the semi-detached house at 19 Neeld Crescent, on the opposite corner of this junction, has a two storey side extension, unlike it, this proposal would be set back only marginally at first floor, and it would not be set down at roof level. That lack of subordinacy would add to the harm that it would cause to the host property and to the cohesive character of this row.
5. Additionally, whilst the host's flank wall currently respects the building line of the front faces of the houses on Vivian Avenue to the south-east, this scheme would bring it much closer to that road, almost abutting the pavement at its front corner, thus diminishing the sense of openness. Consequently, whilst the scheme's general style and its materials would respect the host, and the proposed doors and front canopy would be relatively minor design features, considered as a whole it would appear dominant and incongruent in the streetscene. It would thereby significantly harm the character and appearance of the host property and the area.
6. On this issue, it would therefore conflict with those parts of Policies DMP1 and BD1 of the Brent Local Plan 2019-2041 (2022) ('BLP') which require the highest architectural and urban design quality, and which complements the locality having regard to matters such as siting, layout, scale and design.
7. Whilst the Council's decision also refers to its Residential Extensions and Alterations Supplementary Planning Document 2 (2018), as this proposal is for a new dwelling, that guidance is of little, if any, relevance to this proposal.

Living conditions

8. BLP Policy DMP1 states at part a) that development will be acceptable if it, amongst other things, provides high levels of internal and external amenity. Policy D6 of the London Plan 2021 ('LP') sets out much more specific criteria, including at Table 3.1, minimum internal space standards for new dwellings, which accord with those in the DCLG Technical Housing Standards 2015.
9. The Council's delegated report ('DR') is conflicting in its assessment of this issue. It sets out that 'the ground floor unit' would fail to meet the internal space standards, but that as the shortfall is marginal both units would have acceptable internal space measurements; but continues that the proposed dwelling's 65.8sqm gross internal floor area would fall short of the 70sqm required by the LP. The latter finding is reflected in its third reason for refusal.
10. The appellant's statement does not respond directly on this matter. However, based on a two storey three person dwelling, and on the Council's calculations, the scheme would fall short of the gross internal floor area requirement at Table 3.1 of the LP. As such, whilst the shortfall would be relatively modest, the scheme would fail to provide suitable internal living conditions for the future occupants, and it would thereby conflict with LP Policy D6, and with the more general stance in BLP Policy DMP1 part a).

Loss of family housing

11. The Council's second reason for refusal states that, given the reduction in the size of a bedroom in the existing dwelling, it could no longer be considered a family-sized home. However, that stance is at odds with its DR where it indicates that a family sized dwelling would be retained.

12. Irrespective of that inconsistency, neither LP Policy D6, nor BLP Policy DMP1, which are referred to in that reason for refusal, make any reference to the need to retain family-sized homes. Consequently, on this issue, there would not be a conflict with either of those policies; and I have no cogent reason to conclude that the reduction in the size of the existing dwelling would result in the harmful loss of a family-sized home.

Sustainable modes of transport

13. Drawing No 104-105A depicts two off-road car parking spaces to the rear of the site for the host and the proposed dwelling. However, the Council maintains that, as a result of this scheme, there could be a further parking space on retained hardstanding to the front of the site, and possibly in front of the proposed parking spaces to the rear. Having regard to Table 10.3 of LP Policy 6.1, it states that the maximum parking allowance of one space per dwelling would thus be exceeded, to the detriment of its attempts to minimise car use, in the interests of the environment and addressing climate change.
14. Drawing no. 104-105A does not show how the area to the front of the site would be used. However, in his statement the appellant indicates that the existing parking space and associated hardstanding there would be removed. As that would not require any changes to the layout of the proposal, I am satisfied that that matter could be addressed by means of a planning condition should the appeal be allowed.
15. The drawing also includes an area depicted for cycles to the rear of the site, although it is unclear exactly what it would entail or whether it would serve both properties. Nevertheless, a cycle storage facility in that location would be reasonably accessible to both households from their rear or side doors, and it would thereby facilitate alternative, more sustainable, modes of transport compared to the private car. This, and the provision of an electric vehicle charging facility, could also be addressed by means of planning conditions.
16. I therefore conclude that the scheme would make appropriate provision for sustainable modes of transport. On this issue, it would not therefore conflict with BLP Policies DMP1, BT1 and BT2, or with LP Policies T5 and T6. In broad terms, these require that appropriate car and cycle parking provision is made, having regard to the need to promote sustainable travel choices.

Biodiversity and Flood risk

17. The Council's fifth reason for refusal refers to an excessive loss of soft landscaping which, in the absence of evidence to the contrary, it states would fail to minimise the risk of surface water flooding and would result in an unacceptable loss of biodiversity.
18. I have found that, should the appeal be allowed, a condition could be applied requiring that the frontage of the site be changed from hardstanding to landscaping, which would provide some greater biodiversity interest, and could help to ensure that surface water drainage mimics the natural environment.
19. In his statement the appellant says that the area of retained soft landscaping would be significantly in excess of other properties in the area, and that the removal of the existing concrete hardstanding and double garage to the rear would improve drainage and reduce surface water run-off.

20. However, if that hardstanding is removed, it is unclear how the area to the front of the proposed parking spaces would be surfaced to enable vehicles to access them, although I appreciate that it could be finished with a permeable material. Additionally, it is unclear from the drawing how the area currently laid to lawn between the proposed cycle/refuse store and the highway boundary would be treated.
21. From the limited evidence available to me, I am therefore unable to reach a firm finding on the scheme's impacts on biodiversity and flood risk. On this issue I cannot therefore conclude whether it would conflict with BLP Policies DMP1, BGI1 and BSUI4, or with the advice in the Council's Sustainable Environment and Development Supplementary Planning Document 2013. However, given my findings on the first two issues, this matter is not determinative in the appeal.

Other matters

22. I have no details before me of the allegedly similar applications at 1 Georgian Court and 69 Monks Park, which are referred to in the appellant's statement, but they are not in the same streetscene, and I have dealt with this scheme in this location on its planning merits.
23. The scheme would contribute to the supply of housing, in area which has a PTAL rating of 3, and which is prioritised in the development plan for the delivery of additional homes. However, as only a single dwelling would be provided, this attracts only modest weight in its favour.

Planning Balance and Conclusion

24. On the basis of the available evidence, I have found that the scheme would not result in the loss of a house type for which there is an identified need, and that it would adequately promote sustainable modes of transport. However, I have also found that it would significantly harm the character and appearance of the host property and the area, and that it would not provide appropriate living conditions for its occupants.
25. The scheme's modest public benefits would not outweigh the harm that it would cause, and it would conflict with the development plan when considered as a whole. For these reasons, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR