



Appeal Decision

Site visit made on 13 May 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/T5150/W/23/3329796

87A Walm Lane, Brent, London NW2 4QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Adil of Adilsons Properties Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/0771.
 - The development proposed is the erection of a single storey extension to form 1 no. 1 person, 1-bedroom apartment, with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading is taken from the application form; however, it is clear from the plans that the site would be more accurately described as 87 A-H Walm Lane (No 87).
3. The description of development in the banner heading above is taken from the application form, except where I have deleted the wording "Planning Application for" as these are not acts of development.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
5. The Council clarifies that refusal reason 3 should read "would fail to provide acceptable levels". Its officer report clearly outlines concerns with regard to the proposed development and subsequent conflict with the development plan. I therefore accept the revised wording and have made my assessment on this basis.
6. Since determining the application, the Council has formally adopted its Residential Amenity Space & Place Quality, Supplementary Planning Document, June 2023 (Residential Amenity SPD). Whilst the Council do not refer to the Residential Amenity SPD in its officer report, they do within its statement. The appellant has had an opportunity in their final comments to comment upon this. Therefore, no party would be prejudiced by taking the change in circumstances into account. I have therefore treated the Residential Amenity SPD as a material consideration.

Main Issues

7. The main issues are:

- the effect of the proposed development on the character and appearance of the appeal site and the surrounding area.
- whether the proposed development would provide acceptable living conditions for the occupants of 85A and Flat F 87 Walm Lane (Nos 85A and 87F), with particular regard to a) outlook and b) natural light; and
- whether the proposed development would provide acceptable living conditions for all existing and future occupants of No 87, with particular reference to external amenity space.

Reasons

Character and Appearance

8. The appeal site (No 87) is an end-terrace, three-storey residential dwelling, occupying a prominent location on the corner of Walm Lane and Stanley Gardens. No 87 has been converted into 8 flats (A-H) and has a two-storey mono-pitched outrigger with parapet roof detailing and a hipped roof outrigger to the rear which results in a substantial gable. The rear elevations of properties within this section of Walm Lane are clearly visible from Stanley Gardens and all appear to terminate approximately in line with each other.
9. The proposed extension would be 'L' shaped, and partially infill the space between the flank wall of the two-storey outrigger and the shared boundary with No 85. It would also project beyond the two-storey outrigger and continue the flank elevation, incorporating a step to the furthest point.
10. Brent Council's Residential Extensions & Alterations SPD2 2018 (SPD2) states that single-storey rear extensions should be designed to respect the character and size of the house, with particular care paid to the design, if located at the end of a terrace or is a corner property as it is likely to be visible from the street; and that L-shaped extensions are generally permitted provided they do not extend further than 3 metres in depth from the deepest part of the existing building. SPD2 does allow for deeper extensions but seeks that for every additional metre it be set in from the boundary.
11. Whilst its height would be within the threshold set out in SPD2, its projection would not. The wall would continue the flank elevation in excess of 3 metres beyond the rear of the two-storey outrigger. From this vantage, the scale and relationship of the proposed extension to its plot would stand out as anomalous compared to the overall scale and relationship of the neighbouring buildings. Despite the proposed extension being subservient to the overall scale of No 87, the proposed extension would cumulatively add to the bulk of the gable and appear discordant with the rhythm of the rear outriggers.
12. I conclude that the proposed development would be harmful to the character and appearance of the appeal site and the surrounding area. As such the development conflicts with Policies D3 and D4 of the London Plan (2021) and Policies DMP1 and BD1 of Brent Local Plan 2019-2041 (Local Plan), insofar as they seek to ensure development to be of the highest architectural and urban design. There would also be conflict with the Brent Design Guide SPD1 2018 (SPD1) which seeks, amongst other matters, to ensure that new development height and massing positively respond to the existing context and scale. It would also conflict with SPD2, insofar as it seeks that L-shaped single-storey extensions not to project more than 3 metres from the rear elevation. Furthermore, there would also be conflict with the

Framework, insofar as it requires developments to add to the overall quality of the area and be visually attractive.

Living Conditions – Existing occupiers

a) Outlook

13. No 85 appears to have been subdivided into flats and has an extension to the ground floor partially infilling its side return, whilst retaining a gap. The Council do not quantify which rooms within No 85 would be affected by the proposed development. As such, my assessment has been made on the evidence before me and observations on site.
14. The inner wall of the proposed extension would be approximately in line with the inner wall of the infill extension to No 85. The appellant's Location, Proposed Site and Extension Plan submitted in support of the appeal, shows doors to the rear wall of the main body of No 85, as well as doors to either end of the infill extension. These likely serve habitable rooms. Given that the fence panel to the shared boundary is significantly higher than the eaves line of the infill extension, the outlook from the main rear room of the dwelling is already diminished, shortening the outlook for the occupants. Even though the proposed extension would infill the spacing between Nos 85 and 87, given it would retain a similar external amenity area between the rear wall of the dwelling and the infill extension, it would not be as harmful to outlook of occupants from within the main body of No 85 as the Council contends.
15. The extended rear of No 85 however currently provides occupants with an open aspect. The proposed extension would project significantly beyond the rear wall of No 85. Even though the height of the eaves and ridgeline would comply with the dimensions set out in SPD2, the proposed extension would exceed the maximum depth and the roof formation would be clearly visible from the rear of No 85. Its overall projection, and proximity to the boundary, would therefore erode the open characteristic of the rear and would have an overbearing impact on the occupants of No 85 from within the extended ground floor.
16. No 87F is a studio which has one window situated within the rear of the appeal property. The view from this window is of the flank wall of the existing outrigger, the boundary and rear infill extension of No 85, and the shared amenity space of No 87. The proposed extension would partly infill the space between the flank wall and the shared boundary, creating a small private external area for the occupants of No 87F. In doing so, however, the proposed development would significantly cut short the current view from this window and terminate the vista with a blank elevation severely restricting the outlook for its occupants.
17. Whilst I have found that the proposal would provide acceptable living conditions for occupiers of No 85 from within the main body of dwelling, this would not be so for its occupants when within the rear room of the infill extension, or the occupiers of No 87F. Accordingly the proposal conflicts with Policies D3 and D4 of the London Plan, and Policies DMP1 and BD1 of the Local Plan, which collectively seek to ensure development provides high levels of internal and external amenity. There would also be conflict with the SPD1 and SPD2 insofar as they seek, for development to protect the amenity of existing residents. There would also be conflict with the Framework, insofar as it seeks to create places with a high standard of amenity for existing users.

b) Natural Light

18. The Council do not quantify which rooms within No 85 would be affected by the proposed single-storey extension. Furthermore, I have not been provided with any substantive evidence to demonstrate light levels within either Nos 85 or 87F. As such, my assessment has been made on the evidence before me and observations on site.
19. Given the orientations of the appeal site to No 85, it is unlikely that the proposed development would reduce light to the property to adversely affect the living conditions of its occupants to a degree that would warrant planning permission being refused.
20. A small external area would be retained to the rear of No 87F which would allow some light to penetrate the dwelling, however, this is the only window which serves this studio flat. Given that the proposed extension would infill the space between the outrigger and the shared boundary with No 85, and without substantive evidence to demonstrate that this flat would achieve adequate natural light, it is likely that it would be unduly dark and gloomy with low levels of natural light with its occupants reliant on artificial light.
21. I conclude that whilst I have found no harm with regard to the living conditions of occupants of No 85 with regard to natural light, this would not be the case for occupants of No 87F. As such, conflict arises with Policies D3 and D4 of the London Plan, and Policies DMP1 and BD1 of the Local Plan, which collectively seek to ensure development provides high levels of internal and external amenity. There would also be conflict with the SPD1 and SPD2, insofar as they seek, for development to protect the amenity of existing residents. There would also be conflict with the Framework, which amongst other matters, seeks to create places with a high standard of amenity for existing users.

External amenity space

22. Policy BH13 of the Local Plan states that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50 sq.m per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sq.m for all other housing. The Council's Residential Amenity SPD supports, amongst other things, Policy BH13 and sets out the Council's position on communal spaces and states that the quality of any communal space will need to be particularly high to show it can meet residents' needs.
23. Existing plans show that accommodation within No 87 is a mix of 1-bed flats and studios. The external space consists of an area to the front enclosed by a high hedge and an open communal area to the rear. The appellant does not dispute that the level of private amenity space per unit falls below the 20 sq.m set out in Policy BH13 of the Local Plan, or that the proposed rear extension would reduce the current levels of amenity space for the existing occupants of No 87.
24. Despite the front area providing a private area for residents of No 87, the combination of its proximity to the habitable windows of Flat A and the size and height of hedging would reduce the quality of the space for residents. As such, it is unlikely that residents other than Flat A would utilise this space.
25. The proposed extension would significantly reduce the area to the rear currently available for use by residents. Whilst the appellant considers it unlikely that all

residents would use the amenity space at one time, there is no guarantee that this would be the case and there is no mechanism before me to ensure that it would not occur. As this space would be shared between the existing occupiers of flats A-H and the future occupier of the proposed dwelling, the resultant garden would not provide sufficient space to accommodate domestic paraphernalia such as outdoor furniture or washing lines associated with the maximum occupation of the development. Even if the Chartered Institute of Highways and Transport consider that walking equates to 79% of journeys shorter than 1 mile, I have no substantive evidence to demonstrate the proximity of Gladstone Park to No 87.

26. I conclude that the proposed development would not provide acceptable living conditions for existing or future occupiers of No 87, with regard to private amenity space. As such, conflict arises with Policy BH13 of the Local Plan and Policy D6 of the London Plan insofar as they seek to ensure sufficient external amenity space.

Other Matters

27. The appeal site lies close to the boundary of the Maplesbury Conservation Area (MCA). I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Framework makes clear that great weight should be given to the asset's conservation. Given the location of the proposed development in relation to the MCA, I am satisfied that the appeal scheme would not harm the character and appearance of the MCA. The Council raised no concerns regarding this issue and based on the evidence before me, I see no reason to disagree.
28. Whether or not the existing extension to No 85 is larger than the proposed extension at No 87 is not within the scope of my assessment, which must focus on the planning merits of the appeal proposal. Furthermore, the lack of objection from neighbouring properties does not in itself render the scheme acceptable.

Planning Balance and Conclusion

29. The proposed development would provide one housing unit in an existing residential area identified as having very good public transport accessibility. The principle of the proposal is therefore acceptable in respect of Policy BH4 of the Local Plan. It would also be acceptable in respect of the London Plan Policy D6, insofar as the additional dwelling would provide internal habitable accommodation to accord with the minimum standards, and the Framework, insofar as it seeks to boost the supply of housing, the choice of homes available and promotes efficient use of land.
30. However, increasing housing numbers and matters of good design are not mutually exclusive, given that I have found that the proposed development would cause harm to the living conditions of current and future occupiers and the outlook of occupants of No 85. On balance, I find that the proposal conflicts with the development plan taken as a whole, and material considerations do not indicate the decision should be made other than in accordance with the development plan.
31. For the reasons given above the appeal should be dismissed.

L Clark

INSPECTOR