



Appeal Decision

Site visit made on 11 June 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2024

Appeal Ref: APP/T5150/W/24/3337869

Alulbayt (as) Foundation, 75 Brondesbury Park, London NW6 7AX

- 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 Mr Sayed Shahrestani of Planning Architecture Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/3212.
 - The development proposed is for a 3.5 m rear conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed erection of single storey rear conservatory at Alulbayt (as) Foundation, 75 Brondesbury Park, London NW6 7AX in accordance with the terms of the application Ref 23/3212, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 PL - Site and Location Plans; 02 PL Rev A - Existing and Proposed Ground Floor Plans; 03 PL - Existing Elevations and 05 PL - Proposed Elevations.
 - 3) The external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No access shall be provided to the roof of the conservatory by way of window, door or stairway and the conservatory hereby approved shall not be used as a balcony, terrace or sitting out area.

Preliminary Matters

2. The Decision Notice and the appeal form describe the development as follows: 'Proposed is erection of single storey rear conservatory to property.' This is a more accurate description of the proposed development and I have determined the appeal on this basis.
3. The Decision Notice and Officer Report state that the proposed development would conflict with Brent's Residential Extensions and Alterations Supplementary Planning Document 2 (2018) (SPD). However, as the appeal site is a place of worship and community centre, the SPD would not be relevant to this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the building and the surrounding area.

Reasons

5. The appeal site comprises of a large, detached building used as a place of worship and community centre. The property benefits from a part single, part two storey side and rear extension, and a large rear outbuilding. It is located in an area with a mix of residential dwellings, offices and institutions.
6. The building's form and character has evolved from that of a substantial dwellinghouse to a place of worship and community centre. The Officer Report refers to the cumulative impact of the proposed conservatory, together with the existing side and rear extensions, dormers and outbuilding resulting in development that would not be subservient to the host building. However, these previous additions contribute to the existing character of the building as a community facility, and the conservatory, in and of itself, would not be inharmonious with it. Given the modest size, discreet position, lightweight materials and design of the proposed conservatory, it would be subordinate to the host building.
7. There are two large, detached houses on both sides of the appeal site at 77 Brondesbury Park (No 77) and 73 Brondesbury Park (No 73). The separation between the neighbouring properties is small which means views of the rear of the appeal site from Brondesbury Park are extremely limited. No 77 also has a large outbuilding with pitched roof to the rear, close to its boundary with the appeal site, which would largely obstruct views of the conservatory from Sidmouth Road.
8. I note the Council's concern regarding overdevelopment of the site with specific regard the reduction in garden area as a result of the proposal. However, in the absence of any outdoor amenity space standards put to me, I am satisfied that the proposal would provide adequate outdoor space commensurate to its use as a place of worship, and therefore would not represent an overdevelopment of the site.
9. For the reasons above, I conclude that the proposed conservatory would not have a harmful effect on the character and appearance of the building or the surrounding area. It would comply with Policy DMP1 of the Brent Local Plan 2019-2041 (2022) and the Brent Design Guide Supplementary Planning Document 1 (2018) which, amongst other matters, requires development to ensure siting, layout, scale, materials and detailing promotes good urban design and responds to the existing context.

Conditions

10. I have considered the list of conditions provided by the Council and, where appropriate, amended the wording for clarity. Having regard to the National Planning Policy Framework and Planning Practice Guidance, I consider it is necessary, in the interests of clarity and visual amenity, to impose a materials condition, and conditions requiring the development to be carried out in accordance with the approved drawings and a standard time condition. I have imposed a condition to ensure the roof of the conservatory would not be used

as a balcony or terrace, in the interests of preserving the privacy of neighbouring occupiers.

Conclusion

11. For the reasons given above the appeal should be allowed.

U P Han

INSPECTOR