



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: 10th July 2024

Appeal Ref: APP/T5150/W/23/3332454

98E Brondesbury Road, Brent, London NW6 6RX

- 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 Cooper against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/1129.
 - The development proposed is rear works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Decision Notice and Appeal Form describe the development as follows: 'Rear dormer extension to second floor flat.' This is a more accurate description of the proposed development and I have determined the appeal on this basis.
3. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In addition, the National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of heritage assets.
4. The Framework was revised in December 2023. The revisions to the Framework do not alter the parts therein upon which this appeal turns, so I have had regard to its content, and I am satisfied that this has not prejudiced any party.

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Kilburn Conservation Area (CA) and its effect on the non-designated heritage asset (NDHA) known as 96-98 Brondesbury Road, NW6 6RX.

Reasons

The significance of the CA and the NDHA

6. The appeal relates to a second floor flat at 98 Brondesbury Road (No 98) which together with 96 Brondesbury Road form a pair of buildings which are locally listed and located within the CA. The special character of the CA is derived from its architecture, open spaces, street setting and street scenes. All the houses in

the CA were built during the Victorian era but reflect four different phases of development resulting in different architectural styles throughout the CA.

7. The appeal site falls within the last phase of the estate's development which was markedly different in style to the previous phases. Designed by the architect A.C. Hendrey Watkin and built by Solomon Barnett, the double fronted two storey red brick and terracotta houses built between 1897-1898 with its elaborate porches, ornate fenestration and decorative brickwork make the houses highly attractive. With the street setting, trees, and uniformity in this group of houses, the NDHA therefore contributes significantly towards the special character of the CA.

The effect of the proposal on the significance of the CA and the NDHA

8. The appellant contends that the CA Appraisal focuses on the front elevation of the houses and does not refer to the rear of buildings or rear roofscapes which they consider do not contribute significantly to the CA by virtue of them not being clearly visible from the street and due to considerable alterations that have taken place. While not explicitly mentioned in the CA Appraisal, the rear of the buildings and their roofscapes form an important part of the character of the CA. The integrity of the CA can be affected by unsympathetic alterations to different elements that give the CA its special character. For these reasons, the CA Appraisal and Management Plan identifies issues that put the CA most at risk such as rear extensions, window replacements, roof re-coverings and front garden plots. Therefore, the rear of the buildings and their roof are an integral part of the CA and contribute to its significance.
9. While the dormer would be located at the rear, it would be highly visible from the rear of adjoining properties and rear gardens. Appreciation and enjoyment of the CA can be derived not only from street views but also from private vantage points. During my site visit I was able to establish that the proposal would be visible from the rear gardens serving the ground floor flats of No 98, despite the presence of the outrigger and the depth of the gardens. The proposed dormer would occupy the full width of the roof and extend to the edge of the eaves, obscuring the majority of the slope and parapets. While the overall height of the dormer would be consistent with the existing dormer, its mass would be markedly increased due to its expanse across the entire width of the roof. The additional size and bulk of the dormer would not reflect the proportions of the existing building and would create a dominant and incongruous feature to the property. The proposal would harm the character and appearance of the NDHA and would fail to preserve or enhance the character and appearance of the CA, although the harm would be less than substantial.
10. The appellant has drawn my attention to examples of large rear dormers in the area. However, the dormers at 94, 96, 100, 102 and 104 Brondesbury Road do not span the full width of the roof and are therefore materially different to the proposal. I acknowledge that 92 Brondesbury Road has a rear dormer which occupies the full width of its rear roof slope and extends up to its ridge. While it is set further away from the eaves than the proposal, it remains a large addition to its roof. The appellant has also submitted aerial images showing rear full width dormers to properties on Brondesbury Villas which are located behind the appeal site. Although I do not have the full details of these schemes so cannot be certain that the circumstances were the same the existence of

these dormers and that at No 92 would not provide justification for a further development that I consider would be harmful to the heritage assets.

Public benefits

11. Paragraph 208 of the Framework establishes that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset (in this case the CA), this harm should be weighed against the public benefits of the proposal. Paragraph 209 of the Framework also suggests a weighing exercise in relation to proposals affecting NDHA, that has regard to the scale of harm or loss and the significance of the heritage asset.
12. The appellant has not identified whether any potential harms to the CA would amount to substantial harm, total loss or less than substantial harm and has not explicitly identified any public benefits. Their appeal statement suggests that the proposed dormer would enhance the living accommodation of the property and provide benefit to its occupiers in terms of increased space. However, there is no substantive evidence before me to suggest the existing space is inadequate and, in any event, this would amount to a private benefit to occupiers of the flat, so I am only able to give this very limited weight.
13. Compliance with the development plan in relation to the living conditions of neighbouring occupants weighs neither in favour nor against the proposal and is therefore considered neutral.
14. Paragraph 205 of the Framework establishes that great weight should be given to the conservation of a designated heritage asset, and the very limited benefits I have found would not be sufficient to outweigh the harm identified.
15. The proposal would also detrimentally harm the setting and significance of the NDHA, and the very limited benefits found would not outweigh the harm identified.
16. Consequently, I conclude that the proposed development would neither preserve nor enhance the character and appearance of the CA and would have a detrimentally harmful effect on the NDHA. Hence, it would conflict with Policies DMP1 and BD1 of the Brent Local Plan 2019-2041 (2022) and Policies D3, D4 and HC1 of the London Plan (2021) which, amongst other matters, seeks to ensure development is of high quality design, complements and responds to its local context and conserves and enhances the significance of heritage assets and their settings. It would also be contrary to the design and historic environment objectives of the Framework.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR