



Appeal Decision

Site visit made on 21 June 2024

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/T5150/W/24/3336661

18 Clarendon Gardens, Wembley, Brent HA9 7QW

- 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 Asdow Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/2915.
 - The development proposed is described as 'the erection of new detached dwelling house on (land adjacent to) 18 Clarendon Gardens, cycle, bin and refuse for the new dwelling, following demolition of existing garage, two new flush kerbs, removing of existing flush kerb'.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling house, cycle, bin and refuse facilities, following demolition of the existing garage, with two new flush kerbs and the removal of the existing flush kerb at land adjacent to 18 Clarendon Gardens, Wembley, Brent HA9 7QW in accordance with the terms of the application, Ref 23/2915, 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: site location plan at 1:1250 scale, XEVA/18CG/101 Rev A, XEVA/18CG/102 Rev A, XEVA/18CG/103 Rev A, XEVA/18CG/104 Rev A, XEVA/18CG/105 Rev A, XEVA/18CG/106 Rev A, XEVA/18CG/107 Rev A, XEVA/18CG/108 Rev A, XEVA/18CG/109 Rev A, XEVA/18CG/110 Rev A, XEVA/18CG/111 Rev A, XEVA/18CG/112 Rev A, XEVA/18CG/113 Rev A, XEVA/18CG/114 Rev A, XEVA/18CG/116 Rev A, XEVA/18CG/117 Rev A, XEVA/18CG/118 Rev A, XEVA/18CG/119 Rev A and XEVA/18CG/120 Rev A.
 - 3) The submitted Construction Management Statement shall be adhered to throughout the construction period for the development.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to the outlook from, and availability of daylight at, 16 and 18 Clarendon Gardens.

Reasons

Living conditions

3. The Council calculates that the proposed dwelling would project 3.86 metres beyond the rear wall of 16 Clarendon Gardens ('No 16'). I observed on my visit that No 16 has ground floor patio doors in that part of its rear face closest to the side boundary, and that they serve a bedroom, which I understand also has an outlook to the front.
4. Having regard to the Brent Design Guide – SPD 1 (2018), and the Brent Residential Extensions and Alterations SPD 2 to which it refers, the Council maintains that the scheme would fail to comply with the 1:2 rule with reference to those doors, that a 45 degree line drawn from the boundary with No 16 would be breached, and that there would not be a 9 metre distance between gardens and habitable rooms in the proposed dwelling.
5. Given that the flank wall of the proposed dwelling would be splayed relative to the side boundary, most of it would be sited away from No 16's side wall, and only its corner would abut the edge of the plot. No 16's patio doors are set in slightly from that boundary, they face straight down that plot, and they are at a higher level compared to the appeal site.
6. Thus, whilst the corner of the proposed dwelling would be visible from them above the tall boundary fence, it would be off-set to one side. The rear outlook from that room, and from the adjacent outdoor space, down that property's wide garden would not be significantly affected. Additionally, the dwelling's roof would slope away from the boundary. Consequently, the scheme would not have a harmful overbearing impact on, or cause a significant loss of outlook for, those occupiers.
7. To the rear the scheme would include a first floor bedroom window. Although that window would be located close to the boundary with No 16, and would be angled towards it, the outlook from that room would be over the very end of No 16's garden, and not that part of it closest to the dwelling's rear face which includes its patio, and where those occupants might reasonably expect a greater degree of privacy. It would not therefore cause harmful overlooking.
8. Turning to the impact on 18 Clarendon Gardens ('No 18'), I observed that, contrary to the submitted drawings, it has a window serving a narrow galley kitchen, rather than a dining room, facing the appeal site; with a side-facing obscure-glazed utility room window and a door beyond.
9. The rear face of the proposed dwelling would roughly align with the centre of that kitchen window, such that there would still be an, albeit more limited, outlook from it; and it would still receive a reasonable amount of daylight. Moreover, given the small size of that kitchen, and the large front and rear facing habitable rooms elsewhere in No 18, it does not strike me as a space where the occupants could reasonably expect to dwell to enjoy an outlook. The scheme would not therefore cause those occupiers a harmful loss of outlook, or a harmful loss of natural light.
10. I have no reason to doubt that the scheme would fail to accord with the specific measurements in the Council's SPD 1 and SPD 2. However, that constitutes advice only, and having regard to the particular circumstances here, and

Principle 5.1 of SPD 1, the scheme would ensure adequate privacy and amenity for the residents of No 16 and No 18.

11. It would therefore accord with Policy DMP1 part a) of the Brent Local Plan 2019-2041 (2022) ('BLP'). This states that development will be acceptable if it provides high levels of internal and external amenity, and addresses issues such as privacy, outlook and daylighting. On this issue, and irrespective that the site is not within a priority location for housing, the scheme would accord with the development plan.

Other matters

12. I have no details of the tree felling that has allegedly taken place on the site, and I have considered the scheme before me on its planning merits, and as a single dwelling house as described in the application. I have no cogent reason to believe that the site will become an eyesore, or that the property's use as a dwelling will lead to anti-social behaviour.
13. Whilst the roof form of the proposed detached dwelling would not entirely match that of the semi-detached house at No 18, the scheme's siting, style, height and overall appearance would respect that property. It would not result in an awkward relationship with its neighbours, and it would appropriately assimilate into the streetscene.
14. The Council states that the driveway for the proposed dwelling would emerge next to a speed table which is not ideal, and that it would entail unnecessary construction works. However, I have not been provided with BLP Policy BT2 to which it refers, and I have no evidence that such an arrangement would be detrimental to the safety and convenience of highway users.

Conditions and Conclusion

15. The Council has not suggested a list of conditions in the event that the appeal is allowed. I have therefore considered this matter having regard to its delegated report and to representations by interested parties, and against the tests in the National Planning Policy Framework ('Framework').
16. I have imposed the standard time limit condition. In the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans is also necessary. Those plans include details of proposed refuse and cycle storage, and boundary treatment.
17. In its delegated report the Council refers to potential controls over non-road mobile machinery, and to sound insulation, during construction. However, a Construction Management Statement was submitted with the application, which includes working hours and measures to limit the impact on residential occupiers. Having regard to the limited scale of the proposal, I consider that adherence to that statement would be sufficient to ensure that the impact on nearby occupiers' living conditions could be appropriately mitigated. I have therefore imposed a condition to that effect.
18. Finally, the Council states that, had the scheme been recommended for approval, information to demonstrate compliance with various sustainability objectives would have been requested. However, I have not been provided with relevant development plan policies, or guidance, concerning such matters.

I am therefore unable to assess whether a condition requiring the submission of such information would meet the Framework's tests.

19. Summing up, for the above reasons, I conclude that the scheme would not harmfully impact adjacent occupiers' living conditions, and that it would accord with the development plan when considered as a whole. Having regard to all other matters raised, including representations in favour and opposed to the scheme, the appeal is therefore allowed.

Chris Couper

INSPECTOR