

Appeal Decision

Site visit made on 5 September 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal Ref: APP/T5150/W/24/3340515

102D Dartmouth Road, Brent, London NW2 4HB

- 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 Metropolitan Thames Valley Housing against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/2648.
 - The development proposed is installation of decking and replacement balustrade to first floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for installation of decking and replacement balustrade to first floor flat at 102D Dartmouth Road, Brent, London NW2 4HB in accordance with the terms of the application, Ref 23/2648, subject to the following conditions:
 1. Within 6 months of the date of this decision, the development hereby permitted shall be carried out in accordance with the following approved plans through alterations to the development as built, and shall thereafter be retained as such: Drawing T2-3017 1: location and block plan, Drawing T2-3017 2 Rev A: existing and proposed rear elevation, Drawing 10207/sk-02A: proposed roof terrace balustrade strengthening.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. At my site visit I observed that the development appeared to have been partly implemented. During my appeal site visit I was able to stand on the decking area.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area including the Mapesbury Conservation Area; and

-the living conditions of the occupiers of neighbouring properties with particular regard to overlooking and noise disturbance.

Reasons

Character and appearance

4. The appeal site comprises a first floor flat which is located within a large 2-storey detached dwelling on Dartmouth Road. The site is situated within the Mapesbury Conservation Area (CA). The Mapesbury Conservation Area Character Appraisal (MCACA) describes the area as being characterised by largely unaltered historic town houses. The special character of the area is said to be based on the design of the buildings and their relationship to the streetscape and each other. The houses are large and attractive, constructed of brick, with intricate detailing and are set in tree-lined streets.
5. There have been a number of extensions and alterations to the rear elevations of the properties along this part of Dartmouth Road, including a number of first floor roof terraces. Given the limited visibility of the rear elevation from the surrounding area it appears that the positive contribution the appeal property makes to the CA relates to the layout of the building and the form of the front elevation of the property, where there is a clear uniformity of high-quality design within the street scene.
6. The appeal proposal seeks consent for the installation of decking and a replacement balustrade. It is stated that the decking replaces a previous roof terrace, which the Council considered to be lawful. Nonetheless, concerns are raised regarding the timber balustrade which would enclose the decking.
7. The decking and balustrade would respect the proportions, form and materials of the host dwelling. There would be limited visibility of the proposal from public vantage points, limiting the impact of the proposal on the street scene. Even in the private views from the nearest properties, because of its limited size and restrained design and its consistency with roof terraces in the immediate surrounding area, the proposal would not draw the eye as being a jarring addition.
8. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, the development would preserve the character and appearance of the CA and the significance of the heritage asset would therefore not be harmed. Accordingly, there is no conflict with Policies BHC1 or DMP1 of the Brent Local Plan 2019-2041 (2022) (LP) or with the Mapesbury Conservation Area Design Guide insofar as they seek to sustain and enhance heritage assets.

Living conditions

9. The Council has expressed concerns that the proposal would result in overlooking of the gardens to the ground floor flats to 100 and 104 Dartmouth Road. The proposed balustrade does not incorporate a screen and at my site visit I observed that the decking area permits views of the gardens to these properties. Nonetheless, the decking replaces a roof terrace which the Council accept was lawful. Given the similarities between the decking and the roof

terrace in scale, form and siting, it is reasonable to conclude that this previous roof terrace would have resulted in a similar level of overlooking of these gardens.

10. Whilst noting that it has been removed, the Council accept that the roof terrace was previously enclosed by a handrail. There is no particular evidence before me that the proposed balustrade would lead to an increase in usage of the decking area or that the use of the decking area would be any more intrusive in relation to noise disturbance when compared with the previous roof terrace. Moreover, the limited size of the decking is such that only small numbers of people would be able to gather at any one time here.
11. The use of the decking area would not result in increased overlooking or an unacceptable increase in noise or disturbance. Therefore, I am satisfied that the proposal will not result in any further harm to the living conditions of the neighbours. Thus, there would be no conflict with LP Policy DMP1 which, amongst other things, seeks to protect internal and external amenity.

Conditions

12. I have considered the conditions suggested by the Council against the advice set out in the PPG. A condition requiring that the development be carried out in accordance with the approved plans through alterations to the development as built within 6 months of the date of this decision is necessary as this provides certainty.
13. In the interest of the character and appearance of the appeal property, a condition is necessary to control the external materials of the development. As the development has been commenced it is not necessary to attach the standard time limit condition.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed.

N Robinson

INSPECTOR