

Appeal Decision

Site visit made on 19 August 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2024

Appeal Ref: APP/T5150/D/24/3343310

40 Teignmouth Road, Brent, London, NW2 4HN

- 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. R. Bernard against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/3798.
 - The development proposed is installation of 3 no. front rooflights, 2 no. rooflights on the front gable roof, and 2 no. rear rooflights over the outrigger to dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the appeal form, as opposed to the original application form, as it provides a more accurate description of the proposal.
3. The appeal site, and wider Mapesbury Conservation Area, is covered by an Article 4 Direction¹, which amongst other matters removes permitted development rights in relation to alterations to the roof of the property.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Mapesbury Conservation Area.

Reasons

5. The appeal site lies within the Mapesbury Conservation Area (MCA). In accordance with the statutory duty established under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the MCA.
6. The Mapesbury Conservation Area Design Guide (adopted 2018) (the Design Guide) sets out that the MCA is characterised and is significant because it

¹ Under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

remains largely unaltered. Its turn of the century town-houses are of high architectural quality and have intricate detailing. The scale of the buildings, the quality of architecture and detailing combined with the largely unaltered nature of the majority of the building frontages enable the area to retain its rather grand personality. From my observations on site, I have no reason to disagree with the findings of the Design Guide.

7. On my site visit it also appeared that the front roof planes of most properties within Teignmouth Road retained their original form. The largely unspoilt nature of roofs is a positive characteristic of the MCA, adding to its sense of cohesion. Indeed, this is reflected in the Design Guide which specifically seeks to resist alterations on the roof slopes of houses where they face the street, including through the insertion of rooflights.
8. 40 Teignmouth Road, is a two-storey, detached, late-Victorian dwellinghouse. At the time of my site visit, the property was undergoing renovations, while I understand that the appeal dwelling has been subject to previous alterations. Nonetheless, its frontage appears to remain largely unaltered and displays a pleasing built form. It consists of a solid red brick construction, with an unusual double height curved bay window, decorative architectural detailing, and a pitched roof slope with projecting gable which from the front appears to adhere to its original form. I therefore find the property, including its unbroken roof frontage, to positively contribute to the significance of the MCA.
9. The proposed rooflights would sit flush to the roof slopes, however, they would remain sizeable additions and would introduce visual clutter to the front roof slopes of the property, detracting from the front roofs' existing integrity. Despite the presence of mature street trees filtering some views, due to the size and positions of the rooflights proposed to be installed at the front of the property they would be visible from public vantage points along the street. The proposed development would therefore cause harm to the character and appearance of the host property as well as the wider MCA.
10. In reaching this view, I recognise that there are examples of properties within the MCA, including along Teignmouth Road, that already display rooflights that face onto the public street. However, from my observations such features were not commonplace, nor necessarily positive features that merited replication. Additionally, where other examples of frontage rooflights were present on buildings within the MCA, I found them to still be generally less obtrusive than the appeal proposal due to a combination of their amount, scale and/or positioning.
11. Notwithstanding the above, I do not know the precise circumstances behind the existing examples of frontage rooflights in the surrounding area. For instance, whether they benefit from planning permission, if they preceded the Article 4 Direction covering the MCA or adoption of the Design Guide, or are immune from enforcement action. I therefore cannot agree with the appellant's view that a lack of enforcement action from the Council against other similar developments nearby equates to a tacit acceptance of such works.
12. Given the scale and nature of the appeal scheme I consider it would cause less than substantial harm to the character and appearance of the MCA. Still, any harm to the significance of a designated heritage asset requires clear and

convincing justification and in accordance with paragraph 208 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.

13. The proposed development would provide natural light to the property benefiting the owner/occupants of the appeal dwelling. As such, in this instance, I find that there are no public benefits that would outweigh the harm to the designated heritage asset.
14. Accordingly, the proposal conflicts with policies BHC1 and DMP1 of the Brent Local Plan 2019-2041 (adopted 2022) and the advice of the Design Guide. Together these policies and guidance, amongst other matters, seek to conserve and enhance the significance of heritage assets including the MCA.
15. The proposal would also fail to meet the requirements of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) or the Framework insofar as it relates to the protection of heritage assets.

Other Matters

16. Compliance with other development plan policies, for example in relation to the living conditions of neighbouring residents, is to be expected of development proposals and therefore does not weigh in favour of the appeal scheme.

Conclusion

17. For the reasons given above the appeal is dismissed.

Lewis Condé

INSPECTOR