



Appeal Decisions

Site visit made on 22 October 2024

by S Wilkinson BA (Hons), BPI, DIP LA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal A Ref: APP/T5150/W/24/3336252

70 Aylestone Avenue, LONDON, NW6 7AB

- 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 Ms Jamileh Jadali against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/1586.
 - The development proposed is demolition and rebuilding of dwellinghouse, creation of basement floor level and habitable loft space with 2x side and 2x rear dormer windows with balconies, lightwells to rear and front garden areas, front boundary treatment, 2x off road parking spaces, associated landscaping, cycle and refuse storage.
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Appeal B Ref: APP/T5150/W/24/3341285

70 Aylestone Avenue, LONDON, NW6 7AB

- 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 Ms Jamileh Jadali against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/3764.
 - The development proposed is demolition and rebuilding of dwellinghouse, creation of basement floor level and habitable loft space with 2x side and 2x rear dormer windows with balconies, lightwells to rear and front garden areas, front boundary treatment, 2x off road parking spaces, associated landscaping, cycle and refuse storage.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The Development Plan includes the London Plan 2021(LP) and the Brent Local Plan 2019-2041, 2022 (BLP).
4. The two schemes are for the redevelopment of the site for a replacement dwelling and differ primarily in their proposed depth and height.

Main Issues

5. For both appeals the main issues are the effects of the proposals on:
 - the character and appearance of the area, and
 - the living conditions of existing occupiers.
6. Furthermore, for Appeal A there are two further issues:

- the effect of the proposals on urban greening, and
- whether or not the proposal provides adequate means of escape in case of fire.

7. For Appeal B an additional main issue is as follows:

- The effect of the proposals on flood risk prevention.

Reasons

Character and appearance of the area

8. The appeal site comprises a large two storey property which due to a flank extension is semidetached with No 72 Aylestone Road. A recently protected weeping willow lies in the front garden although the protected Poplar tree (TPO ref 20/0002) and other vegetation in the rear garden had been removed before the site visit. The appeal site lies opposite a school. The road inclines slightly from the south.
9. The prevailing pattern of development along Aylestone Road is of detached residential properties. Many of these have been redeveloped in recent years with a range of modern styles. These are large dwellings which sit tightly within their frontages. The adjoining property No.68 Aylestone Road would appear not to have been redeveloped but instead to have been extensively remodelled with large and deep extensions and roof dormers. In contrast No.72 has a rear building line of similar depth to the existing building.
10. London Plan policies D3 and G7 and BLP policies DMP1, BD1 and BGI2 seek to ensure that development reflects the highest quality of their surroundings and that trees are protected and incorporated into developments.
11. The ridge height of each of the schemes for the two appeals varies with that for Appeal B being set at a height commensurate with the gradient of the road; this would be reinforced by the proposed eaves height and the hipped gables. Its height would be consistent with that of the two neighbouring properties and the prevailing character of the properties along this road. For these reasons, it would be consistent with the prevailing character of the streetscene.
12. This contrasts with the adverse impacts on the streetscene of the scheme for Appeal A which by reason of its overall height would be a dominant and intrusive feature. Whilst the overall height of No.68 Aylestone Road is taller than the scheme for Appeal A, its roof profile does not significantly impact on the streetscene when compared to the scheme for Appeal A. Although the proposed scheme for Appeal A would be set away from the shared boundary with No. 72, this would not compensate for the adverse impact that it would have through its scale.
13. The protected Weeping Willow located to the front of the property is an attractive specimen and makes a positive contribution to the streetscene as recognised in its inclusion within the Tree Protection Order (TPO). Whilst the appellant has indicated that it is their intention to retain the tree in both schemes (although the elevational drawings for Appeal A are inconsistent on this point), the Council has expressed concerns about the likely adverse impact of the development on the root protection area of the tree.

14. The proposed building line included in both appeals only projects beyond the existing building line to accommodate the new porch and basement lightwell. This is not an excessive intrusion compared to the original building. For this reason, were I minded to allow these appeals I am satisfied that the Council's concerns could be satisfactorily addressed through a suitably worded planning condition in respect of foundation design.
15. For these reasons, I conclude that the scheme for Appeal A would be overly dominant leading to an adverse impact on the streetscene and would conflict with policies LP D3 and BLP DMP1 and BD1.
16. In contrast Appeal Scheme B, in respect of both its height, elevational treatment and location within the boundaries would result in a scheme which would assimilate into the streetscene complying with these policies.

Living conditions of existing occupiers

17. For Appeal A the ground and first floor would have an overall depth of around 24m. The first floor extension would have a depth of 8m from the main proposed rear wall and be set away from the shared boundary with No 72. In contrast for Appeal B the ground and first floors would have a depth of around 21metres with the same separation distance form the shared boundary as for the scheme for Appeal A. Each ground floor extension would have a height of around 4.5metres
18. No.68 Aylestone Road includes deep extensions to the ground and first floors which would extend well beyond those proposed for both the appeal schemes before me. It is unclear the planning history of these works and I do not regard the scale of development at No.68 as a precedent to judge proposed development at the appeal site.
19. Policy BLP BD1 requires that development is of the highest urban design and architectural quality and requires development to demonstrate how all relevant criteria in the London Plan design policies could be addressed. London Plan policy D3 requires development to be appropriate both in terms of outlook and amenity.
20. The existing property shares a rear building line of similar depth to that of No.72 Aylestone Road. In Appeal A whilst the depth of the appeal scheme would sit within the rear building line of No.68 it would extend by around 7-8 metres beyond that of No. 72. This would have an overbearing impact on this property despite the proposed set back of around one metre from the shared boundary between the two properties. It would dominate views from the rear windows and from within the rear garden adversely impacting on the living conditions of its occupants.
21. Whilst the proposed depth of extensions included in Appeal B would limit the harm arising, the ground floor the extensions would still be 5metres deep and of similar height to that of the Appeal A. Despite the separation distance between the two properties it would still be dominant and obtrusive when viewed from the rear garden of No. 72.
22. For both schemes the position of the first floor extension would exacerbate the adverse impacts experienced by the neighbouring occupiers; this is despite the reduced depth of Appeal B.

23. Whilst the sunlight/daylight assessment submitted with the appeals demonstrates that the impacts would be within acceptable tolerances there would be unacceptable impacts on the living conditions of the neighbouring occupier by reason of the excessive depth and height of both schemes.
24. Both schemes also involve doors leading to the roof of the ground floor. The use of this area would result in overlooking to the surrounding properties. However, this could be resolved through a condition restricting access for maintenance purposes only, were I minded to allow this appeal.
25. Given the location of the flank roof dormers in each scheme the risk of overlooking to the neighbouring properties leading to an adverse impact on the living conditions of existing occupiers would be limited. Three dormers would serve bathrooms which could be completed with obscure glazing required by planning condition, if I were minded to allow these appeals. The other two dormers include a secondary window and a main window serving bedrooms. Their locations would restrict the possibility of overlooking to neighbouring properties.
26. However, I conclude that the depth and height of the rear extensions included in Appeal A and Appeal B would conflict with policies LPD3 and BLP BD1.

Appeal A

Urban Greening

27. Policies LP G7 and BLP BGI2 refer to the protection of trees and woodland and policy BLP BH4 requires that the net urban greening factor should be at least 0.4 on small sites.
28. I am satisfied that if I were minded allow this appeal, urban greening as required by policy could be appropriately addressed through the submission of details required by a planning condition.
29. Policy BGI1 included in the Council's reason for refusal refers to the importance of Public Open Space and how development can enhance blue and green infrastructure. It is not directly relevant to the appeal scheme given that the scheme includes only a private garden.

Fire Safety

30. Policy LPD12a requires that full details are provided of new evacuation routes and fire exits for the proposed dwelling given the schemes layout. Whilst a Fire Safety Statement has not been included with the appeal the scheme does not present a complex layout and if I were minded to allow this appeal this matter could be dealt with by planning condition.

Appeal B

Flood Risk

31. The appeal site lies in Flood Zone 1 with only a low risk of flooding. Policy BSU14 requires that all developments are accompanied by a drainage strategy designed to control the rate of run off from the site where the area of development exceeds the existing footprint.

32. Whilst the proposed extent of developed area exceeds that which currently exists, given the low risk of flooding, details of a drainage strategy could be addressed through planning condition were I minded to allow this appeal.

Conclusion

33. Whilst many of the Council's reasons for refusal could be addressed through the submission of details in response to planning conditions were I minded to allow these appeals the overriding objection to both schemes arises from the adverse physical impact on the living conditions of occupiers of No.72 Aylestone Road. In addition, Appeal A would not sit comfortably in the streetscene.
34. I recognise that through the submission of two appeals for a similar form of development at this site the appellant has attempted to achieve a planning permission for the redevelopment of the existing building. However, the overriding objection is one of scale relating to Appeal A and for both schemes the harms which could arise to the living conditions of occupants of the neighbouring property.
35. For the above reasons appeals A and B are each dismissed.

S Wilkinson

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/T5150/W/24/3336252	Ms Jamileh Jadali
Appeal B	APP/T5150/W/24/3341285	Ms Jamileh Jadali