



Appeal Decision

Site visit made on 8 August 2024

by S Lo LLB M.SRA

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/T5150/W/24/3341225

17-19 Norman Court, 59 Pound Lane, Brent, London NW10 2HH

- 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 John Feeney against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/3668.
 - The development proposed is the upwards extension of existing block to provide 1 No. 1 bed/1 person flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While the decision notice and other documents state the address to be "17-19 Norman Court, 59 Pound Lane", the application form incorrectly lists it as "59 Norman Court Shell, 17-19 Pound Lane". Following my site visit and review of the appeal site, I have confirmed the correct address to be the former. The banner heading has been updated to reflect this correction.
3. I have taken the description of development in the banner heading above from the planning application form. However, the wording "to provide" was repeated within the description. To improve clarity, it has been updated to remove the duplicate.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area;
 - the effect of the proposed development on the setting of the Grade II listed Willesden Liberal Jewish Cemetery and the Grade II listed War Memorial; and
 - whether future occupiers would experience acceptable living conditions, with particular regard to internal living space and external amenity space.

Reasons

Character and Appearance

5. The appeal site consists of a 3-storey dwelling, which is separated from other buildings in the nearby vicinity by parking areas, landscape features and a private access road. These buildings are broadly consistent in terms of their scale and design, generally featuring mansard roof designs and rising no more than 3-storeys in height. As such, although the area contains a variety of building styles, the buildings in the immediate vicinity are generally perceived as part of a broadly homogenous group that have a reasonably symmetrical form. Additionally, due to the close proximity of the cemetery, a significant proportion of the surrounding land has an open and spacious character.
6. The proposed development would increase the height of the existing building by another storey, thereby disrupting the balance and rhythm described above in terms of the host building and the surrounding pattern of development. Although the additional storey would result in a relatively limited increase in height, it would still be proportionally significant given that the appeal site is 3 storeys high. Additionally, the existing height and form of the appeal site currently creates a symmetrical entrance to the cemetery, mirroring the height of the building immediately across the private access road. Consequently, the proposed development would have a disruptive effect on the street scene. It would also appear prominent given the prevalence of open spaces in the immediate locality.
7. In reaching this view, I have considered the fact that the appeal site is physically separated from neighbouring properties. However, the height and design of the existing building still creates a visual harmony with nearby structures, contributing to a cohesive balance of built form. I recognise that the neighbouring properties at Norman Court and Willesden Fire Station have ridge heights which are taller than the appeal site, such that the proposed development would bring the appeal site closer in scale to these buildings. However, the appeal site does not face Pound Lane and is set further back from this road, surrounded by properties with a generally lower visual profile. As such, it sits within a different visual context compared to these other buildings. Additionally, the plans indicate that the appeal site has a significantly smaller footprint, which would result in the proposed development appearing unbalanced and visually distinct from the taller buildings nearby. The fire training tower is not a residential development, and it is largely screened in the surrounding area by neighbouring buildings. Its height is necessary to provide a training facility for firefighters. As such, noting particularly the visual prominence of the appeal site, the proposed development would appear as a prominent and discordant feature which would lack elegance in a sensitive location and be uncharacteristic of nearby buildings.
8. In conclusion, the proposed development would have a harmful effect on the character and appearance of the site and surrounding area. It would not complement the locality, contrary to Policy DMP1 of the LP¹.

¹ Brent Local Plan 2022

Setting of the Willesden Jewish Cemetery

9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Additionally, the National Planning Policy Framework (the Framework) makes clear that great weight needs to be given to designated heritage assets' conservation.
10. A private access road in front of the appeal site leads to the Grade II listed Willesden Liberal Jewish Cemetery War Memorial, an Anglo-Jewish cenotaph-style memorial. The significance of its memorial arises from its proximity to the private access road, its exposure to public views and the surrounding buildings. The proposed development would rise above neighbouring buildings, thereby appearing dominating and in so doing, would encroach upon the historic setting. This would be harmful to the setting of the Willesden Liberal Jewish Cemetery War Memorial.
11. Close to the appeal site is the Willesden Jewish Cemetery (United Synagogue Cemetery). The significance of this Victorian cemetery derives in part from its historic and well-maintained funerary buildings which exhibit a high standard of architectural merit, and its numerous historic monuments to prominent and influential members of the Jewish community. The proposed development would be clearly visible from one of the entrances to the cemetery, altering the existing silhouette of buildings around it. While the development would have limited visibility from many of the funerary buildings within the cemetery, its visibility from the entrance would compromise the contribution that the setting makes to the cemetery's heritage significance. This would be harmful to the setting of the Willesden Jewish Cemetery (United Synagogue Cemetery).
12. In reaching these views, I have considered that as a relatively contemporary building, the appeal site lacks an obvious architectural relationship with the surrounding heritage assets. Nonetheless, despite the appeal site being located a moderate distance from the nearest heritage asset, the increased height of the proposed development would still represent a departure from the existing design norms. In contrast, the prior planning permission maintained a height which was consistent with the surrounding buildings, allowing it to blend more naturally with the area. With this context, the proposed development would compromise the significance of the nearby heritage assets.
13. While I recognise that heritage may not have been considered in the previously approved planning permission², it is appropriate for it to be considered in this appeal. There is limited information before me regarding the particular circumstances of that development and it is imperative that I consider the appeal scheme on its own merits and having regard to my statutory duty under the Act.
14. Drawing the threads of my assessment together in respect of the nearby listed buildings I have found that there would be harm to the setting of the Willesden Liberal Jewish Cemetery War Memorial and the Willesden Jewish Cemetery

² 18/1523

(United Synagogue Cemetery). In terms of the Framework, this harm would be less than substantial.

15. Where I have found that the proposed development would lead to less than substantial harm to the significance of the surrounding listed buildings, this harm should be weighed against the public benefits of the proposal, as prescribed by the Framework. In this case, the development would add one additional flat, modestly increase housing availability in the area, as well as an associated economic uplift from the construction process and future spending of occupiers. However, those benefits would be relatively modest and I find no public benefit sufficient to outweigh the harm it would cause.
16. In conclusion, the proposed development would have a harmful effect on the setting of the Grade II listed Willesden Liberal Jewish Cemetery and the Grade II listed War Memorial. It would not sustain the significance of the heritage asset, contrary to Policy BHC1 of the LP.

Living Conditions – future occupiers

17. The plans indicate that the proposed new flat would have one bedroom with a bathroom (instead of a shower room). Under Policy D6 of The London Plan 2021, the minimum internal space requirement for such dwellings is 39m², with an additional 1m² of built-in storage. With a gross internal floor area of 39.7m², the flat just meets this minimum internal space requirement. However, no storage space has been indicated on the plans, so would not meet the requirement for built-in storage.
18. Furthermore, the dimensions of the flat would be constrained by the mansard roof design. The proposed floor-to-ceiling height of 2.5m will only apply to certain areas of the flat, covering approximately 75% of the total floor area. The plans do not specify what the reduced ceiling height would be in the remaining areas. Given that the flat only just meets the minimum internal space requirement, the evidence before me indicates that the proposed development would fall short of the minimum acceptable provisions in terms of storage space and useful habitable space. As such, the living experience would be cramped and confined, thus being insufficient for reasonable domestic activities.
19. Regarding external amenity space, D6 of the London Plan 2021 requires that a minimum of 5m² should be provided for 1 person dwellings. No external amenity space has been allocated for the future occupiers of the proposed development. While I acknowledge that this follows the approach taken in the previously approved planning permission, there is limited information before me regarding the particular circumstances of that development. There is no information before me regarding what standards were sought by the previous version of the London Plan, particularly regarding external amenity space. In any event, it is imperative that I consider the appeal scheme on its own merits. Given the lack of adequate internal living space and external amenity space, the proposed development would not provide satisfactory living conditions for future occupiers or result in a high-quality home.
20. In conclusion, the proposed development would not provide acceptable living conditions, with particular regard to habitable space. It would not provide a high level of internal and external amenity, contrary to Policy DMP1 of the LP.

Additionally, it would fail to meet housing standards which meet the needs of Londoners, contrary to Policy D6 of the London Plan 2021.

Conclusion

21. 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. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR