



Appeal Decision

Site visit made on 12 November 2024

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2024

Appeal Ref: APP/T5150/W/24/3347951

Land Adjacent to 5 Hawthorn Road, Willesden, London, NW10 2NE

- 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 Declan Harkin against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/3705.
 - The development proposed is erection of one bedroom dwellinghouse with roof terrace, cycle and bin stores and front boundary treatment to land adjacent to existing dwellinghouse.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to outlook and space; and
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to outlook.

Reasons

3. The appeal site is a plot of land adjacent to 5 Hawthorn Road. The site is to the rear of the property at No. 7 Strode Road. At the time of my site visit the area appeared to be in use for storage purposes.
4. Hawthorn Road is a fairly narrow residential road. With a few notable exceptions, properties opposite the appeal site are largely two-storey terraced dwellings with a very similar character and appearance. The buildings which occupy the same side of the road as the appeal site, whilst still largely of a residential nature, lack the same degree of consistency.
5. The proposal is for the construction of a one bedroom dwelling with a roof terrace. The dwelling would front Hawthorn Road.

Character and appearance

6. The proposed dwelling would be two-storeys, with one set partially below ground level, with an additional roof terrace. The proposal would have a

stepped appearance with each subsequent level being further set in from the boundary of the site. The dwelling would be of a distinctly different design to neighbouring properties and would be constructed of reclaimed buff stock brick with black fenestration and charred timber cladding.

7. The roof line of the proposed dwelling would sit around the mid-point of the first-floor windows of the adjoining property and would not follow the existing rhythm of the terrace of which it would be part in respect of its design and proportions. However, due to its position at the end of the terrace and the varied design of other buildings on this side of the street, I consider that a building of a different design and appearance could be an appropriate addition to the street scene. The stepped design of the building and the general proportions of elements such as the fenestration would help the building to assimilate within the street scene.
8. However, the proposal would have a large expanse of approximately 1.8m high charred timber cladding at roof level. The cladding would be dense and close-knit and would appear as a prominent feature. This cladding, when considered in the context of the building as a whole, would appear disproportionately large and would add a considerable degree of bulk to the overall design. Though the proposed timber cladding at roof level would be set back from the first-floor this would not be to such a degree so as to satisfactorily reduce its apparent bulk. The proposed roof-level cladding would thus appear as a visually dominant and jarring element of the proposed building.
9. As such, the proposed dwelling would appear top-heavy and, the roof level, would sit uncomfortably with the scale and proportions of the building and the wider terrace of which it is part.
10. The appellant suggests that other developments within the area have similar designs. I note, for example, the similarly designed, more modern building on the opposite side of the road. This building, however, has railings of a pale colour at roof level which serve to reduce the overall bulk of this element of the building.
11. Most notably, my attention has been drawn to a development at 37-53 Strode Road and Strode Road Car Wash¹ which was granted planning permission by the Council in 2020. It is important to note that each case must be determined on its own merits based on the specific circumstances at each site. These circumstances will rarely, if ever, be identical.
12. As the appellant suggests, the Strode Road scheme does indeed include a roof design that is set back from the main front elevation. However, this scheme is markedly different to that which is currently before me. The Strode Road scheme occupies a large corner plot where a feature building would sit comfortably. Furthermore, the specific design details of the roof are very different to that which is before me; the building proposed is much larger with a number of eye-catching design features, particularly the lattice work and the large gables which are the dominant features and serve to lessen the impact of the roof. As such, the Strode Road scheme is not directly comparable to the scheme before me.

¹ Details of which were included as Documents 12 and 13 of the Appellant's Statement. Council Application Ref 18/3019

13. For the reasons set out above, the proposal would cause harm to the character and appearance of the area and would conflict with Policy DMP1 of the London Borough of Brent Local Plan, adopted February 2022 (LP). Amongst other things this policy sets out that development should have detailing, and be of a scale and design, that complements the locality.
14. The proposal would also fail to meet the expectations of the Brent Design Guide Supplementary Planning Document, November 2018 (SPD 1) which states that development, in respect of height, massing and façade design, should positively respond to the existing context and scale; facilitating good urban design.

Living conditions – future occupiers

15. The proposed dwelling would have a front door accessed from Hawthorn Road which would lead to a small landing at ground floor level. Steps would lead from this landing downwards to an open plan kitchen and living space with a WC and storage. Stairs upwards from the landing would open into a bedroom with an adjoining shower room and storage cupboard with a further set of stairs up to the roof terrace.
16. The kitchen and living space would receive light via a lightwell created by the frosted glazed stair treads to the above floor and via a large window to the front of the property. Additional light would also filter through from the glazed front entrance door and landing area.
17. However, the outlook to the room would be from the singular window to the front elevation. Whilst this window would be large, due to the sunken nature of the main living accommodation, it would be sited a significant distance above the floor level of this area. Moreover, the outlook from this window at eye level would be towards the charred larch screening fence which would separate the dwelling from the pavement. The screening would be angled to follow the site boundary but would, nevertheless, be in close proximity to the window opening separated only by a small entrance courtyard. Consequently, the outlook from this window would be poor. In my view, for these reasons, the main living space for the dwelling would appear unduly enclosed and the atmosphere would be oppressive.
18. The plans indicate that the proposed dwelling would have floor to ceiling heights of round 2475 which the appellant, in the Design and Access statement, has rounded up to 2.5m. Policy D6 of the London Plan, 2021 (the London Plan) states that the minimum floor to ceiling height must be 2.5m for at least 75% of the Gross Internal Area (GIA) of each dwelling. I consider that the proposed heights are such that, despite a small shortfall, the living conditions provided by the accommodation in this respect would be of a sufficiently high standard so as not to cause undue harm.
19. Nevertheless, I consider that the proposed development would fail to provide satisfactory living conditions for future occupiers with particular regard to outlook. The proposal would, therefore, conflict with Policy DMP1 of the LP and Policy D6 of the London Plan. Taken together and amongst other things, these policies seek to ensure that developments provide high levels of internal and external amenity.

20. The proposal would also fail to accord with guidance set out within SPD 1 which states that development should ensure a good level of outlook.

Living conditions – neighbouring residents

21. The proposed dwelling would be sited to the rear of properties along Strode Road. At present the properties at 7a, 7b and 9 Strode Road look onto the appeal site and the side elevation of the existing property at 5 Hawthorn Road.
22. The proposed dwelling would be smaller than the property at No. 5. Though it would be closer to the rear of the properties along Strode Road, a reasonable separation distance would be maintained. Due to the lower height and the stepped design of the proposed dwelling, I consider that the proposal would not appear unduly overbearing when viewed from neighbouring properties and would not create an unacceptable sense of enclosure.
23. I note that the proposed dwelling would not be set below a line of 45 degrees from the garden edge of neighbouring properties as set out within SPD 1. The proposal would meet the requirement to be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing properties. However, the adjoining properties have outbuildings which occupy the areas from which these measurements are taken and any impact would, consequently, be lessened as a result. Moreover, the SPD is a guidance document and, in my view, though the proposal would indeed breach this 45 degree line, the broad thrust of the guidance in ensuring that residential amenity would not be harmed would be met.
24. Consequently, I consider that the proposed dwelling would not cause undue harm to the living conditions of the occupiers of neighbouring properties with particular regard to outlook. In this regard the proposal would accord with the aims of Policy DMP1 of the LP and the broad aims of the guidance contained within SPD 1. These policies seek to ensure that development provides high levels of amenity.

Other Matters

25. I note that the appellant has made changes to a previous scheme with the aim of overcoming the harm which was identified. However, in my view, the revised scheme would, nevertheless, cause harm to the character and appearance of the area and fail to provide a good standard of amenity for future residents.
26. The addition of a new dwelling in a sustainable location which would contribute towards the housing supply in the area would be a benefit of the scheme. However, I am of the view that these benefits could be secured through an alternative scheme which would not cause harm in the ways I have identified.
27. I note the appellant's view that in other instances planning conditions have been used to ensure the acceptability of a scheme. The National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. In this instance such conditions would not be an appropriate or reasonable mechanism to overcome the issues I have found.

Conclusion

28. For the reasons set out above, the proposal is contrary to the development plan. There are no material considerations that indicate that permission should be granted. Therefore, taking all other matters raised into account, the appeal is dismissed.

L J O'Brien

INSPECTOR

