



Appeal Decision

Site visit made on 15 October 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 09 December 2024

Appeal Ref: APP/T5150/W/24/3340025
63 Dollis Hill Lane, Brent, London NW2 6JH

- 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 Ramesh Prajapati against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/2809.
 - The development proposed is retention of single storey rear extension, two storey side and rear extension, rear patio level, hip to gable roof and rear dormer and front porch with associated internal alterations and conversion of the property into two flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my inspection, works to the building had commenced. As such the proposal is in part retrospective, and I have therefore determined the appeal on this basis. However, the site has previously had planning permission for alterations to the property, including its conversion into two flats¹, a Certificate of Lawfulness² for a hip to gable roof arrangement, as well as a dormer extension on the rear, and a single storey side and rear extension³. Whilst some elements of these permissions may have been constructed, I have determined the appeal based on the plans submitted for the application⁴ that is subject to this appeal.
3. The Council refused the application for seven reasons including reason 1, that it would result in the loss of a larger family sized residential unit for which there is an identified need within the borough. However, following the submission of the appeal, the Council has withdrawn its objection to reason 1. As this is no longer a disputed issue, I will not be considering this in the appeal.
4. Refusal reason 5 refers to inaccurate drawings not reflecting the site development at a correct scale. Whilst I have not made this a main issue, the accuracy of the plans is considered below.

Main Issues

5. The main issues are:

¹ Ref 20/2344

² Ref 21/0443

³ Ref 22/3801

⁴ Ref 23/2809

- the effect of the proposal on the host property and the character and appearance of the area;
- whether the proposal would provide acceptable living conditions for future occupiers with regards to floor to ceiling heights within the proposed rooms;
- whether the proposal would provide acceptable living conditions for future occupiers with regards to the provision of private outdoor space;
- whether adequate drainage measures would be provided; and
- whether it would provide an adequate level of urban greening.

Reasons

Character and appearance

6. The appeal site is within a residential area and is a two-storey, semi-detached property with a small front garden. It has been built at a lower level than the adjoining pavement and wide road to the front. At the rear, steps lead from the back of the building into the garden. This slopes downwards to the rear of the plot where an outbuilding is located.
7. Most houses in this stretch of Dollis Hill Lane are semi-detached. Traditionally, they were built with hipped roofs and a front gable above two storey bay windows. I observed that several of the surrounding properties had been extended, often with box dormers to the rear, and hip to gable extensions. In the case of No 63, a box dormer extension and a series of two storey and single storey extensions, creating a stepped appearance at the back of the property, have been constructed.
8. As the building is finished in a grey render with dark window frames, the rear extensions, which have been partially built, are more visually dominant than other extensions that I could see on the rear of other properties along Dollis Hill Lane. Although the site is not within a conservation area or in the setting of a listed building, because of the scale and form of the extensions, they appear bulky and cumbersome and have a detrimental effect on the appearance of the building.
9. On the front, a single storey, pitched roof, side extension, aligns with a flat roofed extension at No 65 Dollis Hill Lane (No 65). However, this is attached to a two-storey side extension with a hipped roof, which would extend along the boundary. Whilst this is set well back from the front elevation, and its width is less than the 'Residential extensions and alterations', SPD 2, 2018, (SPD2) allows, it would be attached to the side elevation where the original hip has been converted into a gable elevation. Additionally, in this case, the side of the rear box dormer forms part of this elevation. This creates a discordant and ungainly elevation, particularly compared to No 65 where, although there is a hip to gable extension, the rear box dormer has been constructed inset from the edge of the new roof profile.
10. Whilst the materials and the external finish, if not the colour, are like other nearby houses, the overall design, including a sizeable porch to the front, results in a scale and form which is unwieldy. Although the proposal respects the front building line, and design elements of the scheme can be seen on

adjoining properties, the combination of these differing elements, roof forms and varying heights, results in a scheme that appears sprawling and is not cohesive. Consequently, the development does not integrate with the existing houses but is visually dominant and harms the appearance of the area. I therefore conclude that the proposal would significantly harm the character and appearance of the host building and the area.

11. It would not accord with Policies DMP1 and BD1 of the Brent Local Plan 2019-2041, adopted 2022, (BLP) and Policies D3 and D4 of the London Plan, 2021 (LP). Collectively these policies require high quality design and the scale and appearance of development to complement the locality. It would also not accord with the Brent Design Guide, SPD 1, 2018, and Brent SPD 2, which provides guidance on extensions to existing properties.

Internal standards

12. LP Policy D6 F 8) requires at least 75% of the Gross Internal Area (GIA) of the dwelling to have at least 2.5 metres of floor-to-ceiling height. Whilst there is no section drawing, the as-built side elevation⁵ shows the floor and ceiling levels within the building, and the appellant's statement has included the floor-to-ceiling heights within each floor. Therefore, in the central part of the building, there is adequate floor to ceiling height.
13. On entering the building, I found that the ground floor had been plastered, or had plaster board on the walls, and the height of the rooms were acceptable. On the 1st floor, the rear of the building had no ceilings in place, however, the height of the rooms in the front again appeared acceptable. The 2nd floor/loft floor had been plastered and painted out, with wood effect flooring. Whilst this had a lower ceiling height than the other floors, 2.4 metres stated by the appellant, the loft provided a large, roomy space, with two openable windows to the rear and velux windows to the front. Consequently, it was noticeably light and had adequate ventilation from the many windows.
14. Therefore, I conclude that based on the evidence before me and what I observed, the proposal would provide acceptable living conditions for future occupiers with regards to adequate floor to ceiling heights within the proposed rooms. It would accord with LP Policy D6 F 8) as set out above, and Policy DMP1 of the BLP which requires high levels of internal amenity.

Private amenity space

15. The proposal would provide two self-contained units, a three-bedroom unit for six people, and a two-bedroom unit for four people. BLP Policy BH13 requires all new dwellings to provide sufficient external private amenity space of a sufficient size and type for the proposed resident's needs. This is normally expected to be 50m² per home for family housing at ground floor level and 20m² for all other housing. The ground floor flat would have use of the back garden of No 63, which would be more than 50m². However, the upper floor flat, for six people, would have no outdoor space, and there is no proposed communal space for the flats.
16. The Council's Residential Amenity Space & Place Quality, Supplementary Planning Document, 2023, (ASPQ) states that where external private amenity space cannot be provided, this may be mitigated by a higher provision and

⁵ Drawing SD2221(B)33

quality of internal space. The upper flat over two storeys would have a GIA of 106 m². This exceeds the policy requirements of LP Policy D6 which requires a minimum of 102 m² for a three-bedroom, six-person unit. Whilst an Amenity Space Quality Statement, as required by the ASPQ, has not been provided, the site is within 140 metres walking distance of Gladstone Park, a large area of public open space.

17. A previous permission⁶ for conversion of the building into two flats also had no dedicated outdoor space for one of the flats. Whilst this was a different scheme and was determined under Policy DMP19 of a previous development plan, it required a similar level of outdoor space to BLP Policy BH13, and the availability of Gladstone Park nearby was seen as acceptable in mitigation.
18. Therefore, whilst the provision of on-site amenity space would be preferable, based on the GIA within the flat over two floors, and the short distance to Gladstone Park, there is suitable mitigation for the lack of on-site provision. Consequently, I conclude that the proposal would provide suitable outdoor space for future occupiers. It would accord with LP Policy D6 and BLP Policy BH13.

Drainage measures

19. The site is not within an identified area of flood risk, however, the Council has concerns regarding the change in levels that they have identified over time in the rear garden area, and the extensive hardstanding which could lead to surface water run-off. There is no evidence of any proposed drainage measures that could mitigate this, although since the Council visited the site, an area of lawn has been created. However, I am satisfied that changes to the landscaping and materials to the rear could result in the management of surface water on the site. This could be achieved through an appropriately worded condition requiring details of surface water drainage that would not increase flood risk elsewhere.
20. Consequently, the proposal would accord with LP Policy SI 13 and BLP Policies DMP1, BSU13 and BSU14. Collectively these policies seek to minimise the risk of flooding and provide sustainable drainage.

Urban greening

21. Policy BH4 of the BLP and LP Policy G5 requires that the development should deliver an urban greening factor of 0.4 on the site. The evidence suggests that because of the laying of hard surfacing to the rear, the green coverage of the site has been reduced. Whilst not shown on the submitted plans, I saw when I visited the site, that below the raised patio and extending to the low wall in front of the outbuilding, turf had been laid for a lawn. However, there is no evidence as to whether this would accord with the requirements of Policy BH4 or LP Policy G5.
22. Notwithstanding what has already been done, I am satisfied that an appropriately worded condition requiring a soft landscaping proposal for the site would be able to satisfy the requirements of the relevant policies.

⁶ Ref 20/2344

23. Consequently, the proposal would accord with LP Policy G5 and BLP Policies DMP1 and BH4. Together these policies seek to retain and deliver appropriate levels of urban greening.

Other Matters

24. Refusal reason 5 refers to inaccurate drawings. Whilst there may be more inaccuracies than I have noted, the evidence suggests that the scale of an elevation drawing marked at 1:20, should be 1:50. Notwithstanding that any discrepancies should have been identified when the application was validated by the Council, a common-sense approach would suggest that this is an error in the annotation, particularly as 1:20 scale is not listed in the title block. This does not, therefore, affect my determination of the appeal.
25. The site is within a Controlled Parking Zone and a Public Transport Accessibility Level (PTAL) 3 area. The proposal would provide two off-street parking spaces and the appellant is prepared to secure a planning obligation to prevent parking permit ownership. It would provide cycle storage and the site is in walking distance to schools and other facilities. As these are normal requirements to be expected from such development, these are neutral matters in my overall balance.

Conclusion

26. Whilst there is a need for additional housing within the borough, in particular three-bedroom family homes, the development proposal would provide only a small contribution to local housing supply. Moreover, it would not outweigh the concerns I have identified regarding the effect of the proposal on the character and appearance of the host property and the surrounding area.
27. Therefore, the proposed development conflicts with the development plan when considered as a whole. Whilst there are material considerations in favour of the development, these do not outweigh the proposal's conflict with the development plan.
28. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR