
Appeal Decision

Site visit made on 19 November 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2025

Appeal Ref: APP/T5150/W/24/3345861

Land to the rear of 223 Oakington Manor Drive, Brent, Wembley HA9 6ND

- 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 David Normoyle against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0595.
 - The development proposed is demolition of existing detached garage and construction of single storey detached dwelling as a studio residential unit with front landscaping and amenities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A proposed section (Drawing No. HD1457/2000) has been submitted with the appeal showing that the proposed dwelling would have a finished floor to ceiling height of 2.5 metres, meeting the requirement of Policy D6 of the London Plan (March 2021) (the LP). This does not alter the appeal scheme. It is not necessary for interested parties to be reconsulted and the Council has had the opportunity to comment on the section plan. On this basis, I will accept the proposed section plan.

Main Issues

3. The main issues are:
 - whether the location of the site is suitable for the proposed development;
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposed development on the living conditions of the occupiers of 225 Oakington Manor Drive (No 225) with regard to outlook; and
 - whether the proposed development would provide suitable living conditions for future occupiers with regards to ceiling height.

Reasons

Location

4. Policy BH4 of the Brent Local Plan 2019-2041(February 2022) (the BLP) supports small housing developments through the more intensive and efficient

use of sites, subject to consistency with other policies in the development plan and specifically within the priority locations of Public Transport Accessibility Levels (PTAL) 3-6, intensification corridors, or a town centre boundary. The aim of the policy is to direct new housing to areas with good access to public transport and local services. Areas with PTAL ratings of 3-6 are likely to be better served by public transport and thus help to reduce reliance on the private car with its associated impacts, such as poor air quality.

5. Policy BH4 does not preclude housing development outside of the priority locations but states that “greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate.”
6. The appeal site has a PTAL of 0. It is not therefore within a PTAL 3-6 location, nor is it located in an intensification corridor, or within a town centre boundary. I have not been referred to any substantially new evidence that would lead to a different conclusion to the previous Inspector in 2023¹ who found that a new dwelling in this location would be likely to lead to higher levels of dependency on the private car, contrary to the Government’s aim of moving to a low carbon economy set out in the National Planning Policy Framework (the Framework).
7. The appeal site is around 13 minutes’ walk to Wembley Stadium train station where there is a neighbourhood centre offering a large range of shops and services. While my description of the neighbourhood centre differs to that of the previous Inspector in 2023 which identified a small range of shops and services, this would be insufficient on its own to wholly mitigate likely dependency on private car transport due to the very low PTAL of the area.
8. The appellant contends that the proposal would provide ample cycle storage, satisfying Policy TP5 of the LP, which would help mitigate dependency on the private car. However, given the site’s PTAL, I am not convinced that this would act as a sufficient deterrent to dissuade residents from owning and using a private car for their day-to-day needs.
9. For the reasons given, I conclude that the location of the site is not suitable for the proposed development. Consequently, it would conflict with Policy BH4 of the BLP which seeks to direct new housing to areas with good access to public transport and social infrastructure.

Character and Appearance

10. The proposal would be located on a plot of land that comprised part of the rear garden of 223 Oakington Manor Drive (No 223) and currently accommodates a detached single garage. The proposed dwelling would face and be accessed from Victoria Avenue. The houses in the Avenue are predominantly made up of short rows of 2 storey terraced housing with ground floor bays and gable features on their front elevations. There is a strong front building line on the street due to the terraced nature of the houses and the similarly sized front gardens or driveways to the front of the houses. The proposed dwelling would be viewed within the context of these properties rather than those on Oakington Manor Drive.

¹ APP/T5150/W/22/3310706.

11. While the proposed dwelling would broadly follow the building line on Victoria Avenue and include materials to match the surrounding houses, its rectangular flat roofed form and single storey height would be at odds with the prevailing form and height of the existing dwellings in the street. Furthermore, its utilitarian design and expansive width would be inharmonious with the typical design and proportions of the other houses in the road. Consequently, the proposal would create an anomalous and obtrusive feature in the street scene, discordant with the surrounding characteristic pattern of development.
12. The proposed dwelling, while single storey in nature, would be significantly larger than the existing garage and would, therefore, not give the appearance of an outbuilding. Moreover, it would have a frontage onto Victoria Avenue with a car parking space and a small garden to the front.
13. The appellant has drawn my attention to, what is argued is, a similar development that has been granted planning permission² on land adjacent to 1 Dalmeny Close. However, that scheme completes a row of bungalows in that street and is of a different design to the appeal proposal and is not directly comparable. In any event, I have considered and determined the appeal proposal on its own individual merits.
14. For the reasons given, I conclude that the proposed development would harm the character and appearance of the surrounding area. Hence, it would conflict with Policies DMP1 and BD1 of the BLP insofar as they require development to be of a high quality design and complement the locality.

Living Conditions

15. The Brent Design Guide SPD 1 (November 2018) (the SPD) provides guidance on the acceptable height of buildings in relation to neighbouring properties and employs a 45° rule of thumb to protect the living conditions of neighbouring occupiers with regard to outlook. The SPD says that "Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres." The proposed dwelling would be sited close to the shared boundary with No 225 and would fail to sit within the 45° line of its garden. Consequently, the proposal would not comply with the guidance set out in the SPD.
16. Despite the proposed dwelling being sited towards the rear of No 225's garden, its scale and proximity to the shared boundary would nevertheless make it appear oppressive when viewed from the garden of No 225.
17. For the reasons given, I conclude that the proposed development would harm the living conditions of the occupiers of No 225 with regard to outlook. Consequently, it would conflict with Policy DMP1 of the BLP insofar as it requires the siting and scale of development to provide high levels of amenity.

Ceiling Height

18. Policy D6 of the LP requires a minimum floor to ceiling height of 2.5 metres for at least 75% of the gross internal area floorspace. A section drawing has been submitted with the appeal showing that the finished floor to ceiling height throughout the proposed dwelling would be 2.5 metres.

² 14/3444.

19. Therefore, sufficient information has been provided to demonstrate an appropriate ceiling height within the proposed development. As such, it would comply with Policy D6 of the LP and Policy DMP1 of the BLP which, amongst other things, requires housing development to provide adequately sized rooms and high levels of internal amenity.

Planning Balance and Conclusion

20. Compliance with Building Regulations and the development plan with regard to internal space standards, outdoor amenity space, cycle parking provision, car parking provision, access, soft landscaping, sustainable construction, waste storage and adequate light for future occupiers of the proposed dwelling are expectations for all development that weigh neither for nor against the proposal and is considered neutral.
21. The proposal would deliver one additional house, contributing to the area's housing supply and make efficient use of a small site. However, given the small scale of the development these benefits would be modest and carry moderate weight in favour of the proposal.
22. The proposal would significantly harm the character and appearance of the surrounding area. It would also cause harm to the living conditions of the occupiers of No 225 by virtue of poor outlook. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole.
23. Accordingly, I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission and the material considerations, including the stated benefits, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed

U P Han

INSPECTOR