



Appeal Decision

Site visit made on 5 February 2025

by **H Nicholls** **FdA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/T5150/W/24/3351061

253C Harvist Road, London NW6 6HH

- 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 Steve Hannon against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/1606.
 - The development proposed is retrospective application for retention of loft conversion, front roof light and rear dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted from my site visit that the rear dormer window had been installed and internally, the floor layout of the loft level differs from that shown as there is a room subdivision and fittings for an ensuite. The front rooflight was also in situ but the alterations to the rear dormer fenestration had not yet been undertaken. I have therefore assessed the proposal on the basis that it has commenced but not been completed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and surrounding area, including on the Queens Park Conservation Area (QPCA).

Reasons

4. The appeal site is located on the southern side of Harvist Road and comprises the uppermost storeys of No 253, which sits within a broadly uniform terrace of three storey properties constructed from red brick with slate, pitched roofs.
5. The dormer installed spans the full width of the ridge between the party walls with the adjoining buildings. It is set up from the eaves by around 0.5m and down from the ridge by around 0.3m and is clad in dark tiles. Whilst the windows are currently modern white windows misaligned with those in the floors below, the proposal is to realign them to harmonise with the lower floors and change the units for timber sash. A previous permission was granted for the dormer window to be narrowed, with related changes to the windows.
6. The Queens Park Conservation Area Character Appraisal (2006) (the Character Appraisal) describes the QPCA as an excellent example of a Victorian Urban Park

and residential area, centred around the Queens Park open space. Having considered the Character Appraisal and based on my own assessment, the QPCA draws its significance from a consistency and rhythm of scale, architectural detailing and composition within the streets of dwellings which are laid out in a rigid street pattern. The key components of this coherent built form are the terraces of two and three storey Victorian and Edwardian dwellings which largely maintain their original integrity and thus, the overall impression of the QPCA is that it is high quality.

7. The greater contribution to the QPCA is made by the fronts of the buildings which maintain greater uniformity and coherence within the respective terraces than the rear elevations. However, the rear of buildings contribute to an understanding of the form and layout of the respective buildings and the scale and nature of the variations between buildings at the rear is still relatively modest.
8. The appeal building, being a mid-terrace building within Harvist Street and within the QPCA, contributes positively to its significance. Whilst the Harvist Road-facing elevation is arguably the greater contributor, the rear of the building is visible from Chamberlayne Road, which affords relatively open public views towards the QPCA.
9. The rooflight in the front roof plane is unobtrusive and does not harm the character or appearance of the host dwelling, street scene or wider QPCA. Accordingly, the remainder of this decision focusses on the rear dormer.
10. There are two relevant Design Guides which aid the implementation of the design-specific development plan policies, the first is the *Queens Park Conservation Area Design Guide* (2013) (QPCA Design Guide) and the second is the *Residential Extensions and Other Alterations Design Guide* (2018) (Residential Design Guide). In relation to rear dormers, the maximum width permitted by the QPCA Design Guide is two-thirds of the total width of the ridge. Conversely, the Residential Design Guide says that “...rear dormers can be the full width of the original roof plane outside Conservation Areas” (my emphasis). There is no contention in relation to the dormer’s set down level from the ridge or the set back from the eaves. It is specifically the full width nature of the dormer that fails to adhere to the guidance in the QPCA Design Guide which is not otherwise to be altered by the current proposal.
11. The full width of the dormer is noticeably bulky in views of the rear of the terrace and its bulk obscures the visibility of the dividing party wall feature between it and the adjoining building. The way in which it appears top-heavy is unsympathetic to the host building and the terrace as a whole. Whilst I have considered the proposal to alter the alignment of the windows with those on the lower floors, this would not undo the incremental harm done through failing to respect the QPCA Design Guide’s approach to the proportionality and placement of dormer extensions.
12. I have taken account of the extent of visibility of the rear of the terrace from within and outside of the QPCA. Whilst I note that views from passing train users are likely to be more fleeting and that the proposal would not harm the living conditions of neighbouring occupiers in terms of overshadowing or overbearing effects, these aspects do not mean that the objective of the QPCA Design Guide to preserve local distinctiveness would be achieved through the grant of permission for the proposal.

13. The appellant details a large number of examples of properties within Harvist Road and further afield within the QPCA that are alleged to differ from the QPCA Design Guide in terms of the width of the rear dormers. I do not have full details about each case. In any event, for as many examples as there are of unsympathetic dormers that have somehow received permission or gone undetected for long enough to avoid action, there are swathes more properties that retain their original, unaltered roof form or appear to have a dormer that broadly accords with the expectations of the QPCA Design Guide, thus broadly maintaining the QPCA's coherence of form. The examples of where harm has occurred appears little justification for further harm as it would lead to the further gradual erosion of character that the QPCA Design Guide seeks to prevent.
14. More specific details of the approved plans for No 265C Harvist Road have been submitted which show that the proposal was for a dormer at two thirds the width of the ridge to adhere to the QPCA Design Guide. What has been constructed appears from street level to be bulkier than two thirds of the width and its windows are far smaller in proportion than those in the approved plans provided to me.
15. If there has been a trend towards incrementally widening dormers so that they exceed the two thirds width guidance, then it does not appear to have been a planned approach of the Council. In most cases where the two thirds width guidance is exceeded, the dormers still do not extend to the entire width of the ridge such as to allow some appreciation of the roof form and features which separate the dwellings within the terrace. The appeal proposal differs in this regard and obscures said distinctive roof features.
16. I have also considered the appellant's suggestion that slavish adherence to the QPCA Design Guide is an outdated approach in the context of the National Planning Policy Framework (the Framework). I accept the wording of the QPCA Design Guide is not precisely replicated within the relevant development plan policies, it assists with the consistent implementation of the same. In any event, the application of the policies in the Framework could act as a material consideration of such weight that a decision may be made other than in strict accordance with the development plan. I return to this below.
17. In this case, I have found that the proposal would be harmful to the character and appearance of the host dwelling, the streetscene and wider QPCA. This harm brings the scheme into conflict with policies DMP1, BD1 and BHC1 of the Brent Local Plan (2022) and policies D3, D4 and HC1 of the London Plan (2021). These Policies collectively seek to ensure that new development is of the highest architectural and urban design quality and is complementary in terms of location, concentration, siting, layout, scale, type, density, materials, detailing and design. The proposal therefore conflicts with the development plan when taken as a whole.
18. Under the terms of the Framework, the harm to the significance of a designated heritage asset would be of a less than substantial nature and towards the lower end of such a scale. Under paragraph 215 of the Framework, the harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.
19. The promoted benefits of the scheme include the enhancement of the living conditions to occupiers of the upper floor flat through the provision of additional floorspace and the short-term economic benefits of the remaining works of

construction to complete the development. I have not been advised that any additional self-contained units would result from the retention of the proposal in its present form that would be compliant with the necessary space standards. Thus, whilst additional accommodation to serve the existing flat is beneficial, the size of the living accommodation would not appear to be materially different to that achievable to a dormer which better respected the QPCA Design Guidance. In terms of the economic benefits, similar benefits could also be accrued through the construction phase to alter the dormer's scale and form, rather than solely through changes to the windows.

20. In view of the above, I am of the view that the public benefits do not outweigh the less than substantial harm to the significance of the QPCA as a designated heritage asset and that the application of the Framework policies does not indicate that a decision should be taken other than in accordance with the development plan. Even taking into account the principles established in the Rochdale¹ case and Sixpenny Wood appeal² promoted by the appellant, I have not identified any other considerations that do so either.

Conclusion

21. For the foregoing reasons, the appeal is dismissed.

H Nicholls

INSPECTOR

¹ *R v Rochdale MBC ex parte Milne* [2000] EWHC 650 (Admin)

² Appeal decision reference: APP/E2001/A/09/2101851