



Appeal Decision

Site visit made on 3 April 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2025

Appeal Ref: APP/T5150/W/24/3351975

114 Chamberlayne Road, Brent, London NW10 3JP

- 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 Wender Batista against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0138.
 - The development proposed is described as to build wooden outbuildings and a walkway for storage purposes. The shop as it stood was small and did not have the adequate space needed for it to run smoothly.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated it on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The Council changed the description of development as stated in the application form and as set out in the banner heading above. The revised description is *"single storey rear extensions with attached outbuilding, front raised platform with metal railings and ramped access to ground floor commercial premises"* and this was used by the Council in advertising the application for the statutory consultation. The appellant has also used this revised description in the appeal form. The revised description more accurately defines the scheme seeking planning permission and I have therefore determined the appeal on this basis.
4. The appeal scheme seeks retrospective permission for the development, which has commenced, and I was able to view the works which have already been undertaken in situ at my site visit. However, the appeal is also supported by 'Proposed Plans' which differ from the extensions I observed. For the avoidance of doubt, I have therefore considered the appeal on the basis of the submitted plans.
5. In their first reason for refusal, the Council states that the existing and proposed drawings which have been submitted are inconsistent and inaccurate, and furthermore lack sufficient detail. However, I have not been provided with detail of the alleged inaccuracies. I have therefore proceeded to determine this appeal on the basis of the submitted plans.

6. In their officer report, the Council refers to other works and alterations to the front elevation of the appeal premises including signage, shopfront alterations and the painting of tiles. However, these works are not included with the appeal submission. For the avoidance of doubt, I have considered the proposed development based on the submitted plans.

Main Issues

7. The main issues are:
- The effect of the proposed development on the character and appearance of the host property and surrounding area, including whether it would preserve or enhance the character or appearance of the Kensal Rise Conservation Area;
 - The effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to outlook and noise and odour pollution; and
 - Whether the proposed development would be acceptable in terms of fire safety.

Reasons

Character and Appearance

8. The appeal site comprises a three-storey, mid-terraced property of brick construction. The ground floor is in use as a bakery/cafe and the upper floors are in use as residential accommodation. This part of Chamberlayne Road has a mix of commercial uses at ground floor level, with mostly residential uses to the upper floors. The appeal site lies within the Kensal Rise Conservation (the KRCA), which was extended in May 2024 to include the appeal site.
9. The Kensal Rise Conservation Area Character Appraisal sets out that the significance of the CA is as a well-defined and consistent mixed use commercial and shopping centre. The shop frontages and the upper levels are well presented and display attractive architectural detailing including decorative stone lintels, gables and string courses. It further notes that there is a consistency of architectural form and construction which comes from the very short development period and the limited number of builders.
10. In respect of the appeal site, the KRCA Character Appraisal states that 108-124 (even numbers) Chamberlayne Road, is a symmetrically designed Edwardian shopping parade with residential accommodation at upper levels. The parade was designed by Ernest Harvey. It is three storeys high and was constructed in red bricks with stone dressings and string courses. The roofs are pitched and covered in slates and to the rear, paired outriggers
11. There is a statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 205 of the National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to the asset's conservation.

12. The proposal involves the construction of single storey extensions to the rear of the premises. The proposal also includes a front platform with metal railings to accommodate outdoor seating. The Council has raised no specific concerns to this aspect of the proposal and based on the evidence before me and my own observations, I see no reason to disagree.
13. Policy DMP1 of the Brent Local Plan 2019-2041, adopted February 2022 (the BLP) states that development will be acceptable provided it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality.
14. Policy BCH1 of the BLP states that proposals affecting heritage assets should demonstrate a clear understanding of the archaeological, architectural or historic significance and its wider context. It further states that new development should contribute to local distinctiveness, built form, character and scale of heritage assets by good quality, contextual, subordinate design, and the use of appropriate materials.
15. The application was not supported by a heritage statement to demonstrate the effects of the proposed development on the significance of the CA. However, as noted above part of the significance of the CA is derived from its architectural form and appearance. The use of timber cladding and a felt roof as the predominant material types would contrast with the brick finish of the host building and neighbouring buildings. The appearance of the extensions would more closely replicate sheds, other more temporary buildings rather than an extension to an existing building. Therefore, I find that the proposed materials would not be appropriate having regard to the character and appearance of the host property and surrounding area.
16. I acknowledge that the extensions would be located to the rear of the appeal property, and by virtue of this position and single-storey nature, they would be largely screened from wider public views. However, they would occupy most of the rear yard area and as a result the extensions would be highly visible from neighbouring properties. In this context the design and use of materials would appear incongruous within the surrounding area. Thus, I find that the proposed extensions would have a harmful effect on the character and appearance of the host dwelling and the surrounding area and accordingly, would fail to preserve or enhance the character or appearance of the CA.
17. My attention has been drawn to the presence of other single storey rear extensions in the area, including 124 Chamberlayne Road and Leigh Gardens. The Council does not dispute that these are a feature of the area. However, in this particular case, the design and use of materials does not reflect the character and appearance of the area.
18. I also note the appellant's willingness to work with the council to achieve a more appropriate form of design. However, I must determine the appeal based on the information before.
19. For the above reasons, the development by virtue of its design and poor-quality materials would result in less than substantial harm to KRCA, a designated heritage asset. Paragraph 208 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated

heritage asset, the harm should be weighed against the public benefits of the development.

20. The benefits put forward in support of the proposed development largely relate to economic benefits, in particular support for a new business and creation of local jobs. However, there is currently no compelling evidence that indicates that the proposed development is the only means of securing the ongoing success of the business, nor any wider economic benefits that it brings. Therefore, I conclude that overall, the public benefits attract only moderate weight. As the Framework requires that great weight should be given to the heritage asset's conservation, I conclude that the benefits would not outweigh the harm that would be caused to the significance of the CA.
21. Consequently, the proposal would fail to satisfy the requirements of the Act and Paragraph 205 of the Framework. It would be contrary to Policy BCH1 of the BLP which states that proposals affecting heritage assets should demonstrate a clear understanding of the archaeological, architectural or historic significance and its wider context. It further states that new development should contribute to local distinctiveness, built form, character and scale of heritage assets by good quality, contextual, subordinate design, and the use of appropriate materials.
22. It would also fail to comply with Policies DMP1 and BD1 of the BLP which require amongst other things, development to be of the highest architectural and urban design quality and be of a scale, design and materials which complement the locality.

Living Conditions – Neighbouring Occupiers

23. As noted above the appeal premises is located within the ground floor of the building and has residential accommodation above, this is the same for the neighbouring premises. There is a high degree of intervisibility between the upper floors and the rear yards, which appeared to vary in terms of their uses.
24. In terms of outlook, the residential properties located in the upper floors of the row would be afforded views of the extensions, primarily the roof of these structures. As set out above, the proposed extensions are harmful to the character and appearance of the host property and the surrounding area it thus follows that there would be some harm to the outlook of the upper floor flats.
25. In terms of noise and odour pollution, the proposed extensions are used for 'back of house' operations and as such any noise impacts will be likely to result from the use of equipment such as refrigeration or cooking facilities. I have not been providing with any details of the type of equipment which will be used in the extended parts of the building, nor any specific noise or odour evidence. Due to the materials that would be used in the construction of the extensions being predominantly timber cladding and in the absence of any evidence to demonstrate that adequate sound insulation or odour mitigation could be provided, I cannot be certain that there would not be any adverse impacts arising from the proposed use. Thus, I find that it has not been demonstrated that the proposed development would not cause adverse harm to the living conditions of neighbouring occupiers with particular regard to noise and odour pollution.
26. For the reasons set out above, I therefore conclude that it has not been demonstrated that the proposed development would not give rise to adverse

impacts on the living conditions of neighbouring occupiers with particular regard to outlook and noise and odour pollution. Thus, it would be contrary to Policy DMP1 of the BLP which requires amongst other things, that development should not unacceptably increase exposure to noise or smells.

Fire Safety

27. A Fire Statement is required by Policy D12 of the London Plan for major development, as such, it is not required for this proposal. However, Policy D12 also states that all development proposals must achieve the highest standards of fire safety.
28. As noted above, the rear extensions are predominantly timber construction, and I observed that these parts of the building are used for storage, use of cooking equipment, and other electrical equipment. Whilst I note that the appellant states that the premises has been inspected by the Council for the purposes of a providing a food quality rating, the appeal is not supported by any detailed information to demonstrate that the extensions have been constructed in an appropriate way to minimise the risk of fire spread.
29. Accordingly, I find that the development conflicts with Policy D12 of the London Plan which requires amongst other things, development to achieve the highest standards of fire safety.

Conclusion

30. For the reasons given, the proposed development would conflict with the development plan as a whole. There are no material considerations of sufficient weight which indicate that the appeal should be decided otherwise in accordance with it. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR