
Appeal Decision

Site visit made on 31 March 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/T5150/W/24/3350599

Land next to 64 St Gabriels Road, Brent, London NW2 4SA

- 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 Youssef Hammoud of H4 Investment Services Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0243.
 - The development proposed is erection of a single storey detached single family house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I sought submissions from the parties on this matter. I have considered the additional submission alongside the original representations.
3. The description of development in the banner above is taken from the Application Form. However, I have removed reference to the site address to avoid duplication.

Background and Main Issue

4. The third reason for refusal on the Decision Notice indicated that the proposal would be unacceptable in terms of flood risk mitigation. A Flood Risk Assessment¹ was submitted with the appeal which confirms that the site is at a low risk of flooding from all sources. The Council do not dispute the findings of the document and do not seek to defend the third reason for refusal. Consequently, flood risk mitigation is no longer a matter in dispute between the Council and the appellant.
5. Therefore, the main issue of the appeal is whether the proposal would preserve or enhance the character or appearance of the Mapesbury Conservation Area (MCA), including the effect on trees within and in proximity to the appeal site.

Reasons

6. As the appeal site is located within MCA, the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of it. The significance of MCA in part relates to the largely unaltered historic environment dating back to the construction of the estate in the late 19th/early 20th Century. The area is characterised by large houses with large gardens which accommodate tall,

¹ St Gabriels Road, London, Flood Risk Assessment, Document Ref. 1199-C-RP-0001, Issue: P01, Date 26/07/2024

mature trees. Most of the roads within the estate are tree-lined. These characteristics combine to create a spacious, verdant character.

7. The appeal site is cleared former garden land which has been separated from 40 Exeter Road. It is largely free from development and accommodates two very large London Plane trees close to its boundary with St Gabriels Road which are subject to a Tree Preservation Order (TPO), and smaller trees toward the rear of the site. The appeal site is located at one end of a group of long rear gardens extending from properties on Exeter Road to St Gabriels Road. This part of the road is backland in nature. Its spacious and verdant qualities are characteristic of the wider MCA. As such it makes a positive contribution to the conservation area.
8. The proposed dwelling would be single storey and have a flat roof, it would be much shorter than nearby properties. Furthermore, the footprint and height of the proposed dwelling have been reduced from previous design iterations. Nevertheless, the proposed dwelling would significantly increase the massing of built development within the site and would extend across most of the site and close to the site's side and rear boundaries. The proposed development would have a much higher footprint to plot ratio than neighbouring development on Exeter Road and appear incongruous when viewed alongside those properties' spacious settings.
9. The proposed dwelling would be sited further back from St Gabriels Road than neighbouring properties which would make it appear less prominent in the street scene. It would also be split across two blocks, with the second sited downhill from the first. Moreover, tall boundary treatments would partially screen the development from surrounding areas. However, upper sections of the proposed dwelling would still be viewable. The proposal would reintroduce residential activity to the appeal site and would introduce domestic paraphernalia to external areas. These aspects combined with the proposed dwellings large footprint would erode the openness of this part of MCA.
10. The proposed development would encroach upon the root protection areas of several trees, including both trees which are subject to a TPO. However, with appropriate foundations and a no-dig approach for hardstanding the proposed development could avoid having a harmful effect on the roots of nearby trees. Moreover, protection measures during the construction period would ensure that trees would not be harmfully affected by construction works. These aspects could be secured by condition.
11. Notwithstanding this, the proposed dwelling would be in proximity to the canopy of both trees subject to a TPO. These trees would need to be pruned laterally and reduced in height to provide sufficient clearance to the proposed dwelling. Furthermore, the presence of residential development would lead to increased pressure to prune or fell trees within and in proximity to the site. The reduction in the canopy of these trees and additional pressure for future pruning or felling of trees in proximity to the proposed dwelling would be harmful to the area's verdant character.
12. I acknowledge that an active use of the site would support the ongoing management of trees within it, which could extend their lifespan. Also, the proposed green roof would make a positive contribution to the area's verdant character. Nonetheless, this would not overcome the identified harm.

13. The appellant has highlighted two nearby examples of modern development within MCA at 32 Lydford Road (No 32)² and 34 Exeter Road (No 34)³. Firstly, a dwelling of a contemporary design could be acceptable subject to it complying with the statutory test set out within the 1990 Act. Secondly, the development at No 32 is a dwelling which replaced an office, and the development at No 34 is an outbuilding set within a large garden. As such, both developments are materially different to the appeal proposal and do not set a precedent.
14. I conclude that the proposal would neither preserve or enhance the character or appearance of the MCA. The proposal would be contrary to policies DMP1 and BHC1 of the Brent Local Plan 2019-2041, February 2022 (LP). These policies indicate that proposals affecting heritage assets should sustain the significance of the asset, amongst other matters. Whilst the proposal would not strictly be contrary to LP Policy BGI2 and Policy G7 of the London Plan, March 2021 as no trees would be felled as a result of the proposal, it would not be in accordance with the general thrust of the policies as harm would be caused to mature trees.
15. Given the scale of the proposal, it would result in less than substantial harm to MCA. Regardless, paragraph 212 of the Framework is clear that great weight should be given to a heritage asset's conservation. As such, I ascribe significant weight to the harm caused by the proposal. Paragraph 215 of the Framework indicates that less than substantial harm to a conservation area should be weighed against the public benefits of a proposal.
16. Ensuring that the proposal would be appropriately serviced, would not harm the living conditions of neighbouring residents, would have an appropriate fire strategy, and would comply with internal space standards are all neutral factors. These factors would be expected of residential development and therefore, do not weigh in favour or against the proposal.
17. The site comprises under-utilised land which may attract anti-social behaviour. The proposal would introduce an active use to the site. The proposed dwelling would be in an accessible location and would help achieve the Government's objective of significantly boosting the supply of housing. It would also be an example of a small site which could make an important contribution to the housing requirement of an area. The proposed dwelling would be capable of accommodating a family, would utilise sustainable building materials, include solar panels, and create an energy efficient home. There would also be economic benefits associated with the construction period and ongoing maintenance of the property, and possibly increased tax receipts through the dwelling's occupation. The proposal would also lead to biodiversity enhancements within the site.
18. Due to the limited scale of the proposal, I ascribe moderate weight to the benefits. I conclude, even when considered in combination, the benefits do not outweigh the less than substantial harm to MCA.

² Planning permission Ref. 14/2952

³ Planning permission Ref. 18/3554

Conclusion

19. The proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR