



Appeal Decision

Site visit made on 22 April 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/T5150/W/24/3356370

272 Dollis Hill Lane, Brent, London NW2 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 Riaz Datoos of 31 MAR Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2359.
 - The development proposed is demolition of existing buildings and erection of new detached dwelling house with accommodation in the roof space.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Riaz Datoos of 31 MAR Ltd against the London Borough of Brent. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant has submitted amended plans as part of their appeal. These amendments include replacement of proposed roof dormers with rooflights, corrections to the ground levels, removal of an entrance staircase, lightwell reductions, removal of a proposed wheelchair lift and replacement with a window. As such they are a substantially different to the plans which were before the Council when it made its decision. What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. In this case the amended plans would result in a different application. For that reason, I will not accept them.
4. The appellant has submitted a Flood Risk Assessment¹ (FRA) and Basement Impact Assessment² (BIA) to the appeal. These do not alter the appeal scheme compared to that upon which the Council made its decision. It is not necessary for interested parties to be reconsulted and the Council has had the opportunity to comment on the document. On this basis, I will accept the FRA and BIA.

Main Issues

5. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and

¹ Flood Risk Assessment, 25 November 2024 prepared by Extending My Home.

² Basement Impact Assessment, 25 November 2024 prepared by Extending My Home.

- whether sufficient information has been submitted to demonstrate the proposed development would not increase the risk of surface water flooding.

Reasons

Character and appearance

6. The appeal relates to a corner plot close to the junction of Dollis Hill Lane and Coles Green Road. The site is occupied by an extended two-storey detached dwelling with a rear garden containing outbuildings and a garage with access from Coles Green Road. The house is set back from the road with a front and side garden behind a combination of hedges, railings and brick wall boundary.
7. The surrounding area is characterised predominantly by two-storey semi-detached dwellings of various design. Although the rising topography of Dollis Hill Lane results in varying dwelling heights along the street, the site is situated in a row of two-storey dwellings immediately to its east where the properties are of a similar height and design. As such, the appeal dwelling forms part of a cohesive street scene.
8. Within this context, the proposal would introduce a building of disproportionate scale and bulk that fails to reflect the established rhythm and height of the surrounding properties, particularly the uniform character of the row of houses immediately to the east of the appeal site.
9. While dormer windows are not an incongruent feature of the area, the over-proliferation of fenestration and the bulky roof form of the proposed dwelling would further draw attention to its visually cluttered, dominating and discordant design. Even if I accepted the appellant's amended plans which replaces the dormers with roof lights, the proposed scheme would nevertheless appear visually jarring due to its scale, bulk and massing.
10. Front entrances to existing properties in Coles Green Road are generally at street level. The entrance to the proposed building on Coles Green Road would be at a higher level than the street and accessed by an external staircase. As a result, the appearance of the elevation in Coles Green Road would be awkward and anomalous.
11. While railings and planting form part of the existing boundary treatment of the site and in the surrounding area, the railings proposed around the perimeter of the elevated patio would be visually intrusive in the street scene due to their elevated position above the outer boundary wall, creating a sense of visual clutter and enclosure.
12. Although the basement level of the proposed building would be largely obscured due to the proposed boundary treatment and the external materials would match those in the area, the scheme would nonetheless appear visually dominating and intrusive by virtue of its scale, bulk, massing and architectural detailing. Planting conditions would not be able to sufficiently mitigate the proposal's overbearing and incongruous appearance.

13. The site has extant planning permission³ for demolition of the existing dwelling and outbuildings and erection of a new two storey detached dwellinghouse with loft floor space and a separate garage (the previous scheme). The appellant contends that the footprint of the appeal scheme would only be larger than the footprint of the previous scheme by a minor percentage. However, the footprint of the appeal scheme would be significantly larger than the previous scheme due to the proposed basement level and raised patio elements. The raised patio would be visible in Coles Green Road.
14. Furthermore, the previous scheme comprises a two-storey dwelling with accommodation in the loft space compared to the appeal scheme which is a three-storey dwelling with accommodation in the loft space. The appeal scheme would be significantly taller and bulkier than the previous scheme. Consequently, it would have a greater presence in the street scene and would appear more visually prominent, which would draw attention and disrupt the established rhythm and character of development in the surrounding area.
15. The site has been the subject of a dismissed appeal⁴. While the appellant argues that the then Inspector raised no issue with the height of the proposed building before them, paragraph 7 of their decision stated ‘in part, the building would also be taller to accommodate the attic accommodation. Because of this and its location, the new building would be particularly prominent’ and would therefore ‘fail to assimilate with the area and would appear strident.’ It is therefore clear that part of the height of the scheme before the Inspector was not considered acceptable.
16. The appellant has undertaken a height comparison of the dismissed appeal scheme and the amended scheme submitted to the appeal. However, for the reasons explained in ‘Preliminary Matters’ I do not accept the amended plans. In any event, as outlined above, the Inspector of the dismissed appeal described above did not consider the scale of that scheme acceptable.
17. Outline planning permission⁵ was granted by the Council for two houses at the same site since the application was refused. The appellant contends that that the outline scheme consented is identical to the appeal proposal. However, the two schemes are materially different. The appeal scheme relates to a full planning application and the consented scheme is an outline approval with access, appearance and landscaping matters reserved. Furthermore, the lightwell and patio elements, roof windows and ground levels are different so the scale and layout of the two schemes are not the same. In any event, I have considered the appeal proposal on its own merits.
18. While the National Planning Policy Framework (the Framework) encourages the efficient use of land, the proposal is only for one dwelling. The Framework seeks to ensure that development is sympathetic to local character, while not preventing or discouraging appropriate innovation or change (such as increased densities). The proposal is not sympathetic to local character for the reasons given above. Neither does the proposal demonstrate innovation or seeks to increase densities.
19. For the reasons given, the proposed development would harm the character and appearance of the area. Hence, it would conflict with Policy D3 of the London Plan

³ Ref. 22/2293.

⁴ Ref. APP/T5150/W/22/3299035.

⁵ Ref. 24/3389.

(March 2021) (LonP) and Policies DMP1 and BD1 of the Brent Local Plan 2019-2041 (February 2022) (BLP) insofar as they require development to deliver high quality design and complement their locality through scale, appearance, shape, detailing and design.

Flood risk

20. Despite the site's location in Flood Zone 1, Policy BSU14 of the BLP requires all major and minor development proposal which would impact on the current drainage regime to be accompanied by a drainage strategy. It goes on to say that proposals that would fail to make adequate provision for the control reduction of surface water run-off will be refused. The Council's Sustainable Environment and Development Supplementary Planning Document (June 2023) (the SPD) provides detailed guidance on sustainable urban drainage. The SPD advises that development will be required to demonstrate its discharge arrangements within a Drainage Strategy, including showing how run-off rates have been achieved. It also indicates that drainage considerations should be integrated into the design of the proposal at early stages.
21. The appellant has submitted an FRA which concludes that as the site is in Flood Zone 1 and due to its topography, there is reduced risk of surface water pooling or flooding. A Drainage Strategy is embedded within the FRA. This includes measures such as permeable paving of the driveway and other hard landscape areas, soakaways in the garden, green landscaping, and lightwell drainage channels which connect to the mains drainage system via water attenuation tanks beneath the garden areas. The appellant also indicates that pumping mechanisms will be used to mitigate the risk of backflow. In addition, flood resilient construction measures are proposed and the lightwells would be enclosed retaining walls raised 30 cm above ground level.
22. However, I find that the Drainage Strategy is not underpinned by sufficiently robust evidence regarding, for example, surface water runoff rates, flow paths, discharge points, infiltration potential and evidence of compliance with the drainage hierarchy as set out in the SPD. While the Drainage Strategy suggests that the measures have been designed to take account of future climate change scenarios, these are unclear, and calculations have not been provided. As such, the Drainage Strategy lacks the necessary technical detail and supporting evidence to demonstrate that the proposed surface water management measures are appropriate and would therefore not increase the risk of surface water flooding. As the BIA reflects the FRA and proposes a similar Drainage Strategy based on the same information, I also find it to be underpinned by insufficient technical detail and robust evidence.
23. For the reasons given, insufficient information has been submitted to demonstrate that the proposed development would not increase the risk of surface water flooding. Accordingly, the proposed development would conflict with Policies BSU14 and DMP1 and of the BLP insofar as they require development proposals which would impact on the current drainage system to be accompanied by a drainage strategy and to not unacceptably increase exposure to flood risk.

Other Matters

24. Based on the evidence before me, the proposed outdoor amenity space would be adequate in size and quality, and in terms of access from the proposed dwelling.

25. The appellant has referred to the conduct of the Council in the determination of the planning application, including failure to conduct a site visit, failure to engage constructively with the appellant, the nature and clarity of the advice given, the approach to and consistency of its decision-making, and the evidence submitted as part of the appeal. These are primarily not matters for me to consider as part of this appeal. I have considered the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.
26. Compliance with the development plan in relation to privacy is an expectation for all development and counts neither for nor against the proposal.

Conclusion

27. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR