



Appeal Decision

Site visit made on 21 August 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Appeal Ref: APP/T5150/W/25/3367173

Rila Lodge, 7 Chalkhill Road, London HA9 9HY

- 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 Crompton Homes against the decision of the Council of the London Borough of Brent.
- The application reference is 25/0296.
- The development proposed is the erection of 1x single storey self-contained flat with removal of parking spaces, addition of cycle and refuse storage, and hard and soft landscaping to create amenity space to the land rear to 5-7 Chalkhill Road.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The provision of adequate outdoor amenity space for occupants of the existing Rila Lodge flats.

Reasons

Character and appearance

3. The appeal site lies on the north side of Chalkhill Road. It is in a predominantly residential area, with a mix of detached, semi-detached and terrace houses, and various flats (some conversions, some purpose-built). Rila Lodge is a modern three-storey block of 13 flats, constructed in around 2006¹. There is parking at the front and back of the building, and a grassed shared amenity area at the rear. The proposed development is the removal of four of the parking spaces at the rear of the building, the reconfiguration of the amenity space onto the area previously occupied by those parking spaces, and the construction of a single-storey self-contained flat on part of the current amenity area. There would also be a reconfiguration of refuse and cycle storage provision on the site.
4. The proposed development is a new dwelling with two double bedrooms; it would have a footprint of around 86m² and would be approximately 3m tall (though towards the rear of the site it would be set slightly below the existing land levels). The front and north-east facing side elevations would be finished in render, the rear and south-west sides would be faced in brick, with large windows on the front and rear elevations; there would be a green flat roof.

¹ LPA Ref: 05/2672

5. The part of the appeal site where the new dwelling would be is surrounded by neighbouring gardens on three sides. During my site visit the sense of spaciousness that this creates at the rear of the surroundings was apparent. The introduction of a substantial dwelling into this space would be at odds with the open garden character, and the prevailing scale, massing and rhythm of development in its immediate surroundings. In this respect the development would conflict with advice the 2018 *Design Guide* Supplementary Planning Document; it would be incongruous and harmful to the character of the area.
6. The siting of the dwelling at the rear of the existing Rila Court block, diagonally across the parking area, would also mean there being a slightly awkward access route to it. Though I do not think this would be quite as convoluted as the Council has suggested, nor do I read the Council's comments as setting out an "in principle" objection to backland development as the appellant has inferred, the new dwelling would effectively be tucked away on its own in a corner of the site; this would mean some shortcomings in terms of the legibility of access. These would probably not be fatal on their own, but they add weight to my concern about the effect of the proposed development.
7. The Council's 2025 *Residential Extensions & Alterations* Supplementary Planning Document² sets out provisions addressing the relationship between the size of proposed outbuildings and the existing gardens in which they would stand. The appeal proposal is quite clearly for a self-contained dwelling, so I agree with the appellant that advice relating to outbuildings is not the appropriate standard to apply to this scheme. However, while the dwelling would not be unduly large or imposing in its own right, it would still have an adverse effect on the spacious character of the surrounding gardens as I have described.
8. The proposed use of render on the elevations facing Rila Lodge would be in keeping with that building, while the brickwork on the other two elevations would be a nod to the prevalent material in the other surrounding properties. In this respect, I consider that the proposal would be acceptable. However, this would not outweigh or negate the other harm I have found.
9. I conclude that the siting and massing of the proposed development would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies DMP1 and BD1 of the 2022 Brent Local Plan ("the BLP") which together, and among other things, seek to ensure that all new development is of the highest architectural and urban design quality, including in respect of siting, layout, scale, detailing and design.

Living conditions

10. Policy BH13 of the BLP requires a minimum of 50m² of outdoor amenity space at ground level for family housing (with three or more bedrooms) and 20m² for other housing. The submitted Planning, Design and Access Statement ("the PDAS") indicated that private amenity space for the proposed new dwelling would exceed that space standard. The Council had previously informed the appellant that the existing 13 flats of Rila Lodge would require the retention of a minimum of 234m² of communal amenity space³, and the PDAS states that the current proposal

² Not the Design Guide SPD, as was stated in the Council's evidence.

³ I understand that at the time of the original grant of planning permission for Rila Lodge the development plan did not set a minimum requirement for external amenity space, but it is not unreasonable to use the current standard as a yardstick where the existing provision would be affected.

would provide 317m² of communal space. The PDAS goes on to explain that “much of the new communal space is pleasantly located to the rear of the site in between the new building and existing units”, but that there would be “a further secluded area to the rear of the site adjacent to trees”.

11. The submitted drawings show an area of amenity space measuring 199m² in front of the proposed new dwelling (including part of the area presently given over to parking space), and an area of amenity space behind and around the new dwelling measuring 118m². The first of these spaces is labelled “communal”, the second is not. The appellant’s statement first says at paragraph 5.23 that the area at the rear of the plot – that is, the 118m² area – would be private amenity space for the proposed dwelling, but then at paragraph 5.34 that it would be communal space (using the same wording from the PDAS quoted above). Clearly the one piece of land cannot perform both functions; if it is to be private space for occupiers of the proposed dwelling, there would be a shortfall for residents of Rila Lodge. The alternative scenario, that the space behind the new dwelling would be intended to be a communal amenity area, would raise its own problems in terms of the impact of its use on living conditions in the new dwelling, given its very close proximity and the likelihood of conflict arising.
12. The appellant comments that the existing communal amenity space is seldom used by existing residents of Rila Lodge; however, that it not to say that it could not be. I note that although the ground floor flats of the existing block have their own external amenity areas, though none of the three three-bedroom (and therefore family-sized) flats has a space which meets the current Policy BH13 standard. The appellant also drew my attention to the Quainton and Chalkhill areas of public open space, though at 486m and 670m respectively from the appeal site they are more than the 400m recommended by the Council’s 2023 *Residential Amenity Space & Place Quality* Supplementary Planning Document so; while they may be useful supplementary space they are not well located to make up for on-site shortfalls.
13. The PDAS also referred to a grant of planning permission for a development at No 1 Forty Lane (immediately north-east of the appeal site) where, the appellant asserts, the Council accepted a shortfall of 150m² in on-site open space provision. However, no further information has been provided by either main party, either to demonstrate why that scheme might be comparable to this appeal proposal, or to set out what other considerations were taken into account in permitting that development. It does not therefore carry significant weight in favour of this appeal scheme.
14. I conclude that the proposal would have an adverse effect on the provision of adequate outdoor amenity space for occupants of the existing Rila Lodge flats. It would therefore conflict with Policy DMP1 of the BLP, which requires development to be of a layout and design which provides high levels of amenity, and Policy D6 of the London Plan 2021, which requires development to maximise the usability of outside amenity space. The uncertainty over exactly what form the proposed amenity space would take also means that I cannot be satisfied there would be no conflict with Policy BH13 of the BLP, which sets the space standard I have described above and requires private amenity space to be of sufficient size and type to satisfy its proposed residents’ needs.

Conclusion

15. The proposed development would conflict with the development plan taken as a whole. While I have considered the benefits of the scheme which have been put to me, including the provision of a new dwelling which would make a modest contribution to the supply of housing and to the economy, there are no material considerations which indicate that the decision should be made other than in accordance with the development plan.
16. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector