



Appeal Decision

Site visit made on 12 March 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/T5150/W/24/3354174

15 Aberdeen Road, London NW10 1LS

- 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 Ms Jade Watts against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0196.
 - The development proposed is “demolition of buildings to the rear of 15 Aberdeen Road and the erection of a two storey three-bedroom house. The proposed development makes use of land currently occupied by two former garages which have acquired lawful use as dwelling houses. The removal of the ugly former garage buildings and the modest scale and harmonious form and detailing of the proposed house will maintain and enhance the established residential/suburban character of the area.”
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Ms Jade Watts against the Council of the London Borough of Brent. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed development would provide acceptable living conditions for future occupiers in respect of indoor housing standards and outdoor amenity space;
 - whether the proposal meets accessibility standards;
 - whether the scheme makes suitable provision for Urban Greening Factor and surface water drainage; and
 - whether the proposal meets the higher standards of fire safety expected under the development plan policy.

Reasons

Character and Appearance

4. The appeal site is to the rear of 13 and 15 Aberdeen Road and is occupied by two garage buildings in use as residential accommodation. It fronts onto Dewsbury Road and is in a predominantly residential area where the majority of dwellings are two-storey terraced properties with similar bay windows, balconies and decorative

features to the eaves. These features give a regular and consistent rhythm to the street scene and contribute to the distinctive character of the area.

5. The proposed dwelling would be separated from the neighbouring property to the east and be lower than it, due in part to the lower ground level. The design would incorporate some features that reflect the character of the area including a natural slate roof and lead clad dormers with red brick and eaves detailing.
6. Whilst the reduced massing and lower height of the new building would limit the impact on the street scene, the detached nature of the dwelling along with its uncharacteristic hipped gable roof and asymmetric parapet feature would result in an incongruous dwelling that would harm the distinctive character of the area.
7. Accordingly, I conclude that the proposal would harm character and appearance of the area. It would conflict with Policy D4 of the London Plan 2021 (LonP) and Policy DMP1 of the Brent Local Plan 2019-2041 (BLP) which together and amongst other matters seek to ensure that development complements the locality.

Living Conditions

8. Policy D6 of the LonP requires that the minimum floor to ceiling height must be 2.5m for at least 75% of the Gross Internal Areas of each dwelling. In this case both the ground floor and first floor rooms would have a maximum ceiling height of 2.3m.
9. Whilst the appellant considers that a condition requiring amended plans to show the required ceiling heights through the additional excavation of the ground floor level could be attached to an approval, from the evidence before me I cannot be certain that this could be achieved in a suitable manner. In addition, it would not be appropriate to address matters through a condition that go to the principle of whether or not the proposal would be acceptable.
10. Policy BH13 of the BLP requires new dwellings to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm for family housing. There would a small sunken area of amenity space provided to the rear of the property. A small lawned area is shown to the front of the dwelling, beyond the parking area, with a paved area directly to the front of the dwelling. Whilst these areas to the front of the property would provide additional space, due to traffic and opportunities for passing pedestrians to have direct views into it, it would not provide an acceptable level of privacy or a practical space for relaxing, drying washing and other domestic activities. This lack of a sufficiently suitable amount or quality of outdoor space would therefore fail to provide acceptable living conditions for future occupiers.
11. The appellant indicates that the amenity space could be improved and that pre-commencement conditions for landscaping and the location of the parking space could be imposed on a planning approval. However, it would not be appropriate to address matters through a condition that goes to the principle of whether or not the proposal would be acceptable.
12. Although the proposed dwelling would be dual aspect on the ground floor, with windows to the front and rear, the rear bedroom would have a high level rooflight. Whilst this would provide adequate daylight to the room, there would be limited outlook for the occupier. Although the outlook from the existing buildings is poor, this does not justify the creation of poor living conditions in a new dwelling.

13. I conclude that the proposal would not provide acceptable living conditions for future occupiers in respect of indoor housing standards and outdoor amenity space. It would conflict with Policy D6 of the LonP and Policies DMP1 and BH13 of the BLP which together, and amongst other matters, seek to ensure that development is of high quality design, are fit for purpose and meet the needs of Londoners.

Accessible Housing

14. The proposed dwelling would be lower than the street level and therefore level access to it could not be achieved. The appellant has suggested that details relating to accessibility could be agreed by planning condition but they go to the heart of whether the proposal would provide accessible housing. It would therefore not be appropriate to address matters in this way that go to the principle of whether or not the proposal would be acceptable.
15. The proposal would not meet accessibility standards. It would conflict with Policy D7 of the LonP which amongst other matters seeks to ensure that development provides suitable housing and a genuine choice.

Urban Greening Factor and Surface Water Drainage

16. Policies BH4 and BGI1 of the BLP requires all minor residential developments to deliver an Urban Greening Factor (UGF) of 0.4. The supporting text requires consideration as part of the application process. There is no evidence before me to demonstrate that an UGF of 0.4 would, or could, be delivered on-site. Given the above uncertainties the imposition of a condition to secure details would not be appropriate in this particular instance.
17. I accept that there is currently no landscaping or other greening on the site. This does not provide justification for a development which fails to enhance the situation. In addition, there is no substantive evidence before me to demonstrate that the policy requirements could not be met.
18. In addition, I do not have information before me with regard to the disposal of surface and foul water. There is no substantive evidence relating to the proposed drainage or to explain why the use of sustainable drainage is not feasible.
19. The proposal would not make suitable provision for Urban Greening Factor. It would be contrary to Policies BD1, BH4, BGI1 and BGI2 of the BLP which together and amongst other matters seek to protect and enhance the existing levels of green infrastructure and achieve a net gain in biodiversity.

Fire Safety

20. Policy D12 of the LonP requires that all development proposals must achieve the highest standards of fire safety and sets out several aspects to be considered.
21. Fire safety information was not provided with the application. However, from the evidence before me and having regard to the nature and scale of the development, I can see no reason why submission, approval and implementation of a suitable fire safety strategy could not be secured by means of pre-commencement planning condition.

22. Therefore, subject to a suitably worded condition, the proposal would provide the highest standards of fire safety expected under development plan policy and I find no conflict with LonP Policy D12.

Other Matters

23. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.
24. I have had regard to the previous planning approval¹ for a dwelling on the same site that I have been referred to. However, there are clear material differences between the proposal and the individual circumstances surrounding this approval. These include that the dwelling would have been attached to 1 Dewsbury Road. In addition, I am not aware of the planning policy context in which planning permission was granted. I have determined the appeal on its site-specific circumstances.
25. The National Planning Policy Framework (the Framework) says decisions should support development that makes efficient use of land. Given my findings in respect of the main issues, in the context of this appeal, the proposal would not amount to an effective use of land, particularly as one of the key aims of the Framework is to safeguard and improve the environment.

Planning Balance and Conclusion

26. The appeal scheme would conflict with the development plan in relation to the main issues identified above. These are all harms to which I attribute significant weight. The proposal would be in a sustainable location within a residential area and it would provide an additional family dwelling that would contribute to the mix and supply of homes in the area and thereby support the social and economic objectives of the Framework. It would also allow the removal of two undersized and substandard dwellings. These are all benefits to which I have had regard. However, given the modest scale of the development, these benefits would attract limited weight in favour of the proposal and they would not outweigh the substantial harms identified. The proposal would conflict with the development plan when taken as a whole and material considerations do not indicate a decision otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

H Senior

INSPECTOR

¹ Planning ref 18/3714