



Appeal Decision

Site visit made on 20 November 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2025

Appeal Ref: APP/T5150/W/25/3373289

Land adjacent to 1-8 Oxford Place, London NW10 0DE

- 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 Sajad Al-Hairi (Log Creation) against the decision of the Council of the London Borough of Brent.
- The application Ref is 25/1338.
- The development proposed is the erection of a 3 bedroomed house being a car free development.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Sajad Al-Hairi (Log Creation) against the Council of the London Borough of Brent. This is the subject of a separate decision.

Main Issues

3. The main issues are:
 - The effects of the proposed development on the character and appearance of the area;
 - The effects of the proposed development on the living conditions of occupiers within 1-8 Oxford Place and Arran Court;
 - Whether adequate living conditions would be provided for the occupiers of the proposed development with specific regard to floor to ceiling heights; and
 - Whether the proposed development would achieve sufficient biodiversity net gains.

Reasons

Character and appearance

4. The site comprises of a parcel of land situated beside the flatted accommodation of 1-8 Oxford Place. Two hedgerows cross central parts of the site, and a tree is positioned on the fringes of the site close to the Oxford Place flats. A row of trees is sited along the opposite site boundary. The site suffers from the likes of fly-tipping and car parking, the latter of which has churned up some of its grass cover. Such activities and effects mean that the appeal site is the subject of some degradation. However, the site remains part and parcel of a wider communal open

space serving the adjacent Oxford Place flats, and the areas of grassland, and the hedgerows and trees which are within it and on its edges means that it retains a generally verdant character. In my view, the tree closest to the flats in particular positively contributes to the street scene.

5. The adjacent Oxford Place flats building features a central gable-end projection, partly clad in tiles, flanked by two hipped-roof projections. On the main roof above each of these projections are chimneys. The front elevation displays symmetrical fenestration, while feature archways on either side of the central projection serve as the entrances to the flats. These elements combine to give the Oxford Place flats building a distinctive character and a cohesive architectural design.
6. On completion of the proposed development, a significant portion of the communal open space serving the Oxford Place flats would be lost, replaced with a house. In itself, and as a result of the erosion of open and verdant land associated with the flats, this would be unsympathetic.
7. Furthermore, the submitted plans and supporting documents fail to clearly illustrate the impact of the proposed development on trees located within the site and to its edges. The submitted arboricultural method statement presents that three trees would require removal, and some tree loss is very much the impression given by the submitted floor plans, elevations and roof plans as well. In contrast, the proposed site plan and proposed habitat plan give the impression that the tree beside the Oxford Place flats, and those on the opposing boundary, would be retained. Clouding the issue further, I note that the arboricultural method statement contains conflicting tree species identifications and a tree protection plan, cited within it, is missing. Overall, the proposal's effects on trees are unclear but, if tree losses were to result from the proposed development, particularly the one closest to the Oxford Place flats, then this would contribute further to the aforementioned erosive effects. Moreover, the proposed landscaping measures before me are not comprehensive and, consequently, they do not demonstrate effective mitigation.
8. The proposed house would have an archway above its front door and a hipped roof. These elements are quite reflective of the Oxford Place flats building. However, the proposed fenestration is asymmetrical: the front door and one bedroom window would be closer to the edge of the building than the remaining two windows would be on the opposite side. This would unsympathetically contrast with the greater symmetry exhibited by the Oxford Place flats building and, overall, the proposed house would fail to display a distinctive character and degree of design quality which would be befitting to the Oxford Place flats building beside it.
9. In combination, the house's design and appearance coupled with the erosion of the communal open space would result in unacceptably harmful effects on the character and appearance of the area.
10. In coming to these views, I have had regard to the appellant's submissions that the proposal would be a means to address the site's degradation. However, the source of these problems is not very clear to me, and I am not satisfied that the proposal is the appropriate means by which these issues should be addressed.
11. For the above reasons, the proposed development conflicts with Policies DMP1 and BD1 of the Brent Local Plan 2019-2041 (the Brent LP) and Policies D3, D4 and D6 of the London Plan 2021 (the London Plan). Altogether, in summary and amongst other matters, these Policies require developments to be complementary

to their locality, enhance local context by delivering buildings which positively respond to local distinctiveness, display the highest architectural and urban design quality, retain green infrastructure, and demonstrate that the design requirements of the London Plan would be met. In addition, the proposed development also conflicts with Policy BGI2 of the Brent LP which, amongst other things, requires the submission of appropriately detailed tree surveys where trees could be affected by development.

12. Although one of the Council's reasons for refusal related to this main issue refers to Policy BH13 of the Brent LP, this Policy relates to the residential amenity space required to be provided for new dwellings. As such, I do not find it relevant to the main issue, and I find no conflict with it.

The living conditions of occupiers within 1-8 Oxford Place and Arran Court

13. The Oxford Place flats building contains ground and first floor windows which flank the appeal site. Presently, the occupiers of this adjacent flatted accommodation benefit from a largely open aspect across the verdant communal space of the appeal site. On completion of the proposed development, a two-storey side elevation of the proposed house would be constructed closely beside these windows.
14. At such proximity, the high side elevation of the proposed house would form an imposing feature when viewed from the adjacent rooms, have a significant enclosing effect on them and, thereby, considerably reduce the outlook that the occupiers of this nearest flatted accommodation presently enjoy. Furthermore, given the proposed layout, the scale of the proposed house, and its siting to the south-west of these adjacent windows, I find it very likely that the proposal would reduce the light received within the flatted accommodation as well. Therefore, harmful effects on the living conditions of the occupiers within the nearest flatted accommodation of 1-8 Oxford Place would result.
15. In coming to this conclusion, I note that the submitted plans show that the '45-degree rule' contained within the Brent Design Guide SPD1 Supplementary Planning Document (the Design SPD) would be met. However, the 45-degree rule is one guidance tool, and it deploys a measurement taken from a garden edge. In this case, windows are also sited within very close proximity to the proposed building, and the site specifics must be considered. Consequently, compliance with the 45-degree rule in respect of the Oxford Place flats building does not address my concerns or demonstrate that the proposal's effects would be acceptable.
16. Arran Court is served by a large communal garden/open space, only a small portion of which the appeal site borders. The proposed house would be sited a considerable distance from the Arran Court building. Its rear elevation would be closer to Arran Court's garden than the 9 metres (m) recommended by the Design SPD, however, the plans show that a distance of over 7m would remain. Therefore, the proposed house would have a clear set-back from the shared boundary. Furthermore, the distance which the proposed house would be from Arran Court's garden would be akin to the established Oxford Place flat building.
17. Overall, given the proposed layout, the separation distances involved, the size of Arran Court's garden, and the relatively small proportion of this garden which abuts the appeal site, I am satisfied that the proposal's effects on the living

conditions of the occupiers within Arran Court in respect of light, outlook and privacy would be modest and, thereby, not harmful.

18. However, despite my findings in relation to Arran Court, I have identified that the proposed development would result in unacceptably harmful effects on the living conditions of occupiers within the adjacent flatted accommodation of 1-8 Oxford Place, specifically by reason of a loss of outlook and light. As a result, the proposed development conflicts with Policy DMP1 of the Brent Local Plan which sets out that developments are required to provide high levels of amenity and to complement the locality.

The living conditions of the occupiers of the proposed development

19. Adequate ceiling heights in new homes assist in addressing the impacts of urban heating, improve ventilation and cooling, and help to ensure daylight penetration and a sense of space. Policy D6 of the London Plan therefore sets out that new houses should have a minimum floor to ceiling height of 2.5m for at least 75 per cent of their gross internal area. This is part of Policy D6's broader obligation to ensure housing developments are of high quality and comply with its space and accommodation standards.
20. The submitted plans do not contain proposed sections, nor do the plans or any of the other evidence in support of the proposal, otherwise clearly confirm or accurately depict the floor to ceiling heights of the proposed house. In the circumstances, I cannot conclude that the floor to ceiling heights within the proposed house would be adequate and would meet the minimum requirements of Policy D6. In turn, I cannot conclude that the proposal would provide for its occupiers adequate living conditions.
21. Through its failure to present compliance, the proposal is not demonstrating that a house would be constructed which would meet the housing quality and accommodation standards of Policy D6 of the London Plan and, therefore, I find that the proposal conflicts with it. Policy DMP1 of the Brent LP does not contain prescriptive standards akin to Policy D6, nevertheless, it requires developments to deliver a high level of internal amenity. In the absence of the floor to ceiling height dimensions, the appeal proposal provides me with no firm basis on which to find this high level of internal amenity would be achieved. Therefore, I also find that Policy DMP1 is conflicted with.

Biodiversity net gains

22. The statutory framework for biodiversity net gain (the statutory BNG) applied to the planning application the subject of the appeal. This placed a requirement on the planning application to be accompanied by minimum information requirements established by the relevant statutory BNG-related legislation. These minimum information requirements include the submission of the pre-development biodiversity value of the site and the related completed metric calculation tool, and a plan of the existing habitats. The Council validated and processed the planning application and thereby satisfied itself that the minimum information requirements had been submitted.
23. The Planning Practice Guidance (the PPG) sets out that the statutory BNG has been principally designed as a post-permission matter. The statutory BNG involves the discharge of the biodiversity gain condition following the grant of planning

permission to ensure the objective of at least 10% net gain will be met by a development proposal. The determination of the Biodiversity Gain Plan (BGP) under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective, and the development may not commence until the BGP is approved. Given this, the PPG makes clear that it is generally inappropriate for decision makers to refuse a proposal on the grounds that the biodiversity gain objective will not be met.

24. In order to discharge the biodiversity condition, minimum submission requirements apply to the content of the BGP. These include, again, the pre-development biodiversity value of the site and the related completed metric calculation tool. Furthermore, as the proposal constitutes a minor development of a single house, at the condition discharge stage, the small sites metric tool could be used as opposed to the statutory biodiversity metric. The small sites metric is simpler, and it does not necessitate the input of an ecological expert.
25. Consequently, while I accept that some of the biodiversity related submissions including the likes of the existing habitat plan lack detail, issues relating to the quality and extent of the minimum information that has been supplied, and the quantification of the biodiversity baseline, are matters which can be resolved through the discharge of the biodiversity gain condition. This is because a permitted development cannot begin until a BGP has been approved and this requires, amongst other matters, the pre-development biodiversity value of the on-site habitat.
26. Furthermore, it seems to me that the quantum of open space within the appeal site to the surrounds of the proposed house provides clear habitat creation opportunities. Given all these factors, it seems to me that the biodiversity gain condition would be capable of being successfully discharged.
27. Therefore, had I been minded to grant planning permission for the development proposed, it would be subject to the biodiversity gain condition which would require the achievement of a 10% biodiversity net gain. I have no firm basis on which to conclude that this requisite and sufficient biodiversity net gain would not be achieved. Consequently, in respect of this main issue, I find that the proposed development complies with Policy BGI1 of the Brent LP as well as Policy G6 of the London Plan, which each aim to secure biodiversity net gains.

Other Matters

28. The proposal would make a contribution to housing supply, and it would increase the choice of housing in the area. As a proposal of just a single house, it constitutes a small-sized development which can often have the benefit of being built-out relatively quickly and, in turn, contribute to the housing market without much delay. That said, the contribution to housing supply would be very modest. Nevertheless, it would be a benefit of the proposed development, however, it would be insufficient to outweigh the harmful effects and development plan policy conflicts I have identified in three of my main issues.
29. It may be, in respect of a range of other planning considerations, that the Council did not oppose the proposed development, and that it would not result in harmful effects. Such considerations include the appeal site's accessibility credentials, the energy efficiency of the proposed development and its effects on highway safety, whilst the proposed development may be adequately drained and have adequate

recreational space available for the occupiers of the proposed development. However, an absence of harm in respect of such matters is a neutral factor in my decision, and it does not outweigh the harm that I have identified in three of my main issues.

30. The appellant has drawn my attention to a number of other developments in the area that have been granted planning permission, which, it is claimed, have relevance to key matters in the appeal or share similarities with it and its consequential effects. However, the full details of each of the cited developments are not before me, including the likes of delegated or committee reports outlining the Council's reasoning for those grants of planning permission. As a result, it is not possible to draw accurate comparisons between those schemes and that proposed in this appeal. Moreover, decisions in relation to development proposals are heavily dependent on the case-specific evidence and circumstances. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case. For these reasons, whilst I have had regard to them, the other cited developments are a matter of limited weight in my decision.
31. Finally, the appellant has also referenced some alternative land uses for the appeal site and provided the reasons why, it is asserted, they would be inappropriate or unlikely to be forthcoming. However, this does not provide persuasive grounds for allowing the appeal and accepting the harmful effects and development plan policy conflicts I have already identified.

Conclusion

32. In my final main issue, I have identified that the proposal would achieve sufficient biodiversity net gains. However, in my remaining main issues I have identified harmful effects and conflicts with certain development plan policies. Overall, I find that the proposed development conflicts with the development plan as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan should be made. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR