



Appeal Decision

Site visit made on 12 January 2026

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/T5150/W/25/3375130

45 Cavendish Road, London NW6 7XS

- 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 Mrs Adeline Taft of AA Lettings against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/1755.
 - The development proposed is erection of a single-storey outbuilding to be used as a one-bedroom, two-person dwelling in rear garden of flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided an additional plan showing detailing to the front elevation of the proposed dwelling, and updated tree information. Given the relatively small nature of the changes, I consider that no party would be prejudiced if I take these into account. I shall therefore determine the appeal on the basis of the amended plan and information.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, including the Brondesbury Conservation Area (CA), within which the site lies,
 - the living conditions of the occupiers of Flat 3, 45 Cavendish Road (Flat 3), in respect of privacy, and of number 34 Christchurch Road (No. 34), with regard to outlook, and
 - biodiversity.

Reasons

Character and Appearance

4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The area is characterised by substantial, detached and semi-detached Victorian properties. Most are positioned in rows, set back from the tree-lined road.

5. Some rear gardens, including those close to the appeal site, contain buildings within them, although these appear to be ancillary in use. Properties generally have reasonably sized back gardens, many with trees and vegetation. These features give the area a spacious and verdant character. Relevant to this appeal, the significance of the CA hereabouts is the age and attractive character of its buildings and spaces.
6. The appeal site consists of a tall, semi-detached property of traditional design, now split into flats, as well as its rear garden. The garden has been sub-divided by fencing, with a separate parcel to the rear being subject to the proposal. Following the demolition of a shed, a concrete base remains within this area. Nevertheless, the parcel of land is open and vegetated. I conclude that it makes a small but positive contribution to the CA and its significance.
7. The proposal seeks to erect a single-storey detached dwelling within this rear parcel, accessed via a path to the side. It would have a simple square footprint and a green roof, with detailing and brickwork intended to reflect the host property. Even so, single-storey dwellings are not a feature of this part of the CA, where buildings are generally more substantial. Furthermore, the backland location of the proposal would fail to reflect the linear pattern of development.
8. Although single storey, the proposed dwelling would have an appreciable size, and there is no dispute that it would exceed the footprint and width limits of the Council's guidance¹. As such, it would undermine the current green, largely undeveloped appearance of the site. The flat roofed appearance of the proposal, and the differing roof heights, would not reflect properties nearby. The bay window on the front elevation would also appear odd, being without a front door and not being aligned with the other front window.
9. No trees are proposed to be felled within the appeal site. BLP policy BGI2 requires a survey to be submitted which shows the existing trees. Such a survey has been provided. This shows trees within adjoining land, which have canopies that extend into it. Although of only low quality, the trees add to the verdant character of the surrounding area.
10. Measures are proposed to ensure that potential damage to the tree roots during construction would be mitigated. However, the footprint of the dwelling as shown on the Tree Protection Plan does not reflect that of the proposal, potentially limiting the degree of protection provided. Moreover, the surrounding trees are relatively young and therefore have the potential to grow to a larger size.
11. Given the close proximity of the proposal, some trees are proposed to be pruned. Future occupiers of the dwelling may well seek to further reduce the size of the trees, or pressure the tree owners to do so, for instance because of concerns about safety or structural effects. Despite the CA designation, such requests would be difficult to resist once the dwelling is occupied, risking harm to the trees and their contribution to the area. This adds to my concerns about the impact of the proposal on the CA.
12. For the reasons given above, the proposal would undermine the attractive character of the buildings and spaces hereabouts. The location of the proposed dwelling means that there would be few if any publicly obtainable views of it,

¹ Buildings in Gardens within Conservation Areas Supplementary Planning Document 2 (undated).

though it would be seen from surrounding properties. In any case, the desirability of preserving the character or appearance of the CA applies regardless of the prominence of the site. Examples have been provided of other developments locally, said to be in backland locations. However, I have few details of these buildings, or their planning circumstances, preventing useful comparison.

13. Accordingly, the proposal would harm the character and appearance of the area, including the CA as a whole. It would therefore conflict with the Act as well as policies BHC1, BD1 and DMP1 of the Brent Local Plan (BLP), adopted February 2022. These require development to be of the highest urban design quality, and that it shall at least conserve the significance of heritage assets such as the CA. However, as an existing tree survey has been provided, I find no conflict with BLP policy BG12. I shall consider BLP policy BG11, in respect of biodiversity, below.
14. In accordance with the National Planning Policy Framework (the Framework), I give great weight to the harm to the designated heritage asset and its significance. In the language of Framework paragraph 215, this harm would be less than substantial, and so should be weighed against public benefits. I shall consider these under Other Matters.

Living Conditions

15. The proposed dwelling would have a single storey. Nevertheless, I have found that it would have an appreciable scale and mass. It would also be located close to the boundary with the rear garden of No. 34. For the reasons I have already given, the existing trees and vegetation cannot necessarily be relied upon to screen the proposed building. Consequently, it would have a dominating and overbearing impact on the occupiers of the garden of No. 34. I have few details of the shed previously located on the site, but it has now been removed, and so does not justify the proposal.
16. The proposal would include a new access path and steps created from the rear amenity area serving Flat 3. The submitted plans do not show any screening between the retained amenity area and the pathway serving the proposed dwelling. As such, the privacy of occupiers of the amenity area could be adversely affected by occupiers of the proposal, when they are using the path.
17. However, I see little reason why a planning condition could not be used to secure the provision of an appropriate boundary treatment, to ensure that the privacy of the occupiers of the amenity space would be maintained. In this respect, such a condition would ensure compliance with the Council's Design Supplementary Planning Guidance, dated November 2018, which requires adequate privacy for residents.
18. In conclusion, although the proposal would not harm the living conditions of the occupiers of Flat 3 in respect of privacy, it would harm the outlook of the occupiers of No. 34, with regard to outlook. It would therefore conflict with BLP policy DMP1, which requires high levels of external amenity. I give this harm significant negative weight in the planning balance.

Biodiversity

19. The Council has referred to conflict with policy BG11. This requires that, in meeting the Urban Greening Factor (UGF), development should place emphasis on

solutions that support biodiversity. The proposal would utilise the existing concrete base, and includes the green roof and new planting. On the basis of the appellant's calculations, it would exceed the UGF required. The Council did not request an ecological survey at application stage.

20. Nevertheless, as well as the adjacent trees, parts of the site have low-lying vegetation and so it may provide a suitable habitat for species. Little information is before me in respect of the ecological value of the site. It follows that I cannot be satisfied that the proposal would place emphasis on a solution that would support biodiversity. On the limited evidence before me, I therefore conclude that it would conflict with BLP policy BGI1. I give this harm significant negative weight in the planning balance.

Other Matters

21. In accordance with the Framework, the less than substantial harm to the designated heritage asset must be weighed against the public benefits of the proposal. It would make a positive contribution to the supply of housing in the area, and as a unit of self-build accommodation. However, as just a single dwelling, I give this benefit only limited weight.
22. Future occupiers of the proposal would make positive social and economic contributions. It would also result in economic benefits, for example to the building industry. The proposal would make more efficient use of land, on a site that is close to services and facilities, and which has good public transport links. I give these matters further limited positive weight.
23. The Framework gives substantial weight to the use of suitable brownfield land, proposals for which should be approved unless substantial harm would be caused. Even if the site does constitute brownfield land, as suggested by the appellant, the public benefits of the proposal still need to be weighed against the harm identified. For the reasons given above, I conclude that the public benefits would not outweigh the harm to the designated heritage asset, to which I have given great weight. I therefore conclude that the proposal would conflict with the Framework, when read as a whole.

Conclusion

24. For the reasons given, I have found conflict with the Development Plan, taken in the round. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR