



Appeal Decision

Site visit made on 11 December 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12 March 2026

Appeal Ref: APP/T5150/W/25/3373817

210 Chamberlayne Road, London NW10 3JX

- 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 Christian Hesselhoj against the decision of the Council of the London Borough of Brent.
- The application reference is 25/0899.
- The development proposed is the demolition of a rear garage and erection of a single-storey residential dwelling with basement, soft and hard landscaping, patio and refuse storage.

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;
 - Whether the proposed dwelling would provide acceptable living conditions for future occupiers, with particular regard to outlook, light, privacy, and internal living space;
 - The effect of the proposed development on living conditions for residents of properties at 208 and 210 Chamberlayne Road, with particular regard to loss of privacy, and whether the development would be overbearing or lead to an unacceptable sense of enclosure;
 - Whether the proposal is acceptable in terms of flood risk;
 - Whether the development would make adequate provision in terms of biodiversity, including achieving an acceptable Urban Greening Factor ("UGF"); and
 - Whether the proposed development would demonstrate the highest standards of fire safety.

Reasons

Character and appearance

3. The appeal relates to a two-storey semi-detached property and its rear garden, on a corner plot on the west side of Chamberlayne Road at its junction with Trevelyan Gardens, a short cul-de-sac. Within the rear garden is an outbuilding comprising a garage and residential accommodation; a lawful development certificate ("LDC")

was granted in January 2024 for the use of the rear part of that outbuilding as a self-contained flat¹. There is a considerable variety in the age, style and size of housing along the length of Chamberlayne Road, but the area around the appeal site is largely characterised by semi-detached suburban houses broadly similar to No 210, albeit that many have been extended or otherwise altered over the years.

4. For the most part, semi-detached pairs of houses on Chamberlayne Road and the various side roads running off it have a close side-to-side relationship with their neighbouring properties. Street frontages therefore have a tightly-built appearance and relatively dense character. However, rear gardens are relatively long so, where they border side streets, they contribute a sense of verdancy and openness which provides visual and spatial relief in the otherwise quite dense suburban environment.
5. The existing outbuilding on the appeal site is unobtrusive, looking like a typical garage when viewed from Trevelyan Gardens, while the brick wall at the side of the garden which runs along the back of the pavement is entirely unremarkable. However, the openness of the garden is perceptible and contributes to a modest sense of spaciousness at the entrance to Trevelyan Gardens, while the shrubs and trees visible over the wall add greenness to the area. The general arrangement – if not the precise detail – also reflects that at the side and rear of No 212 Chamberlayne Road on the opposite corner of Trevelyan Gardens. The appeal site therefore makes a modest positive contribution to the area in terms of the visual and spatial relief I have described above. This would be lost as a result of the proposed development. The development would also lead to the loss of a significant part of the rear garden of No 210; while I understand there are some quite large outbuildings in the neighbourhood, the size and bulk of the proposed building would be at odds with the general pattern of development which I have described above.
6. The Council did not highlight any specific concerns about the proposed dwelling in terms of its detailing or materials. It would be of contemporary appearance and, were it possible to view it in a different context, no doubt a quite smart and clean-looking building. However, that it would be acceptable in these respects would not outweigh the other harm to the character and appearance of the area which I have found. I conclude that the development would conflict with Policies BD1 and DMP1 of the 2022 Brent Local Plan (“the BLP”) which together, and among other things, seek to ensure that the siting, layout, scale, type and density of new development complements its surrounding area.

Living conditions – future occupiers

7. The proposed dwelling would have its principal habitable rooms – a combined kitchen/dining/living room, and the two bedrooms – on the ground floor. While there would be a large basement, the submitted drawings show a cinema/games room, storage room, utility room, pantry, and a toilet, on that level. The ground floor windows would be between 2m and 3m from the boundary, so the rooms would all have a constrained outlook. On the side elevation towards the existing property at No 210 in particular, the effective distance to the boundary would be reduced further by a dense hornbeam hedge; the outlook might be verdant, but it would not be especially spacious.

¹ LPA Ref: 23/3801

8. The habitable rooms would have windows facing approximately north-east and north-west², so these would receive limited direct sunlight. The kitchen/dining/living room would have two large rooflights, and the larger of the bedrooms would have two windows and a large rooflight. It seems likely that those rooms would therefore receive adequate natural daylight. However the smaller bedroom would have a single (narrow, if relatively tall) window facing north-west. No daylight study has been provided and, given its design and orientation, I cannot be satisfied that that room would receive adequate daylight.
9. In order to ensure a good level of privacy within buildings and private outdoor spaces, the Council's 2018 Brent Design Guide Supplementary Planning Document ("the SPD") advises that directly-facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. As I have described above, the appeal site is in a location with relatively long rear gardens so, although dwellings often have a very close side-to-side relationship, habitable rooms are generally well-separated from those of neighbouring properties.
10. I have not been provided with precise measurements, but the Council has calculated that the windows on the north-east elevation serving the kitchen/dining/living room and the larger bedroom would be within 18m of the windows of habitable rooms at the rear of No 210. The appellant has not challenged that analysis, and a visual comparison with the scale bar on the submitted drawings suggests to me that the separation distance would in fact be well below the desired 18m. Given this, those rooms would be susceptible to a degree of overlooking which would go beyond what might reasonably be considered "incidental", given the characteristics of the area.
11. Occupants would be dependent for privacy on screening provided by the dense hornbeam hedge intended to be planted inside the plot boundary. I acknowledge both the Council's concern that plants could be removed or fail, and the appellant's response that conditions could be imposed requiring the permanent retention of landscaping, including those hedges, and replanting in the event of failure. However, there is a more fundamental issue, which is that in my experience planting and landscaping should generally seek to complement a proposal and not in themselves make an otherwise inappropriate development acceptable. Furthermore, the reliance for privacy on either a hedgerow or – as an alternative – a fence or trellis of a suitable height would have, as I have described above, adverse consequences in terms of limiting the outlook from those rooms.
12. Policy D6 of the London Plan 2021 imposes the requirement that there must be a minimum floor to ceiling height of 2.5m across at least 75 percent of the internal area of a dwelling. The assertion in the decision notice that the development would not comply with that requirement is at odds with the analysis in the officer report, and my own assessment of the application plans. I find no conflict in this respect, and there is no dispute that the dwelling would comply with the other internal space standards sought by Policy D6.
13. However, in view of the shortcomings in respect of outlook and privacy, as well as the uncertainty about daylight in the second bedroom, I am not satisfied that the

² The Council's officer report described the proposed dwelling as having "a west-south dual aspect", but this appears to have been based on someone failing to notice the north arrow on the submitted drawings, which have been produced with south-east to the top of the sheet.

proposed dwelling would provide acceptable living conditions for future occupiers. It would therefore conflict with the provisions of Policy DMP1 of the BLP and Policy D6 of the London Plan 2021 which seek to ensure that development provides high levels of internal and external amenity, including in respect of outlook, daylight and privacy.

Living conditions – neighbours

14. As the land falls away very gently to the west from Chamberlayne Road, the proposed new dwelling would be at a slightly lower level than rooms at the rear of No 210 and the neighbouring No 208. The eaves would be around 2.9m above ground level and, while the dwelling would be larger than the existing building on the site, I am satisfied that its height, the separation distances, and the topography of the site, mean that it would not be harmfully overbearing or lead to an unacceptable sense of enclosure at the rear of either of those two neighbouring properties.
15. The rear garden and rooms of No 210 only would be dependent on the hornbeam hedge for the prevention of intrusive overlooking from the kitchen/dining/living room and the larger bedroom within the new dwelling. For the same reasons as I have set out in respect of the previous main issue, I am not satisfied that the proposed hedge would provide adequate visual privacy; indeed, the very close proximity of those habitable room windows to the rear garden of No 210 would likely mean that there was a perceived loss of privacy in the garden, even if actual overlooking were to be prevented.
16. I conclude that, because of its adverse effect on privacy, the development would harm living conditions for occupiers of No 210. There would therefore be conflict with Policy DMP1 of the BLP, which seeks high levels of internal and external amenity.

Flood Risk

17. Policy BSUI3 of the BLP seeks to ensure that development is resistant and resilient to all relevant sources of flooding including surface water. The Council's officer report indicated that the site has a low risk of surface water flooding but is in Flood Risk Zone 2 with a medium probability of river flooding. A Flood Risk Assessment ("FRA") submitted during the appeal indicates, with reference to the Environment Agency's Flood Risk Map for Planning that the site is in fact in Flood Risk Zone 1 and therefore has a low probability of fluvial flooding. The FRA also included recommendations for SuDS measures to mitigate run-off from the increased area hard surfaces which would be introduced by the development.
18. Subject to such SuDS measures being used – something which could have been secured by a condition had the proposal been acceptable in all other respects – I consider that the development would be acceptable in terms of flood risk. It would therefore comply with Policy BSUI3 of the BLP, the principal relevant provisions of which I have set out above.

Biodiversity and UGF

19. Policies BG11 of the BLP and G6 of the London Plan 2021 seek to ensure that all development achieves a net gain in biodiversity. Policy BH4 of the BLP says that all minor residential developments are required to deliver a UGF of 0.4 on site. The

appellant suggested that revised plans submitted during the appeal would provide for landscaping improvements, but there is nothing before me (such as a completed UGF calculator) to show that the scheme would deliver the required UGF.

20. Policy BGI1 seeks to ensure that all development would achieve a net gain in biodiversity. The appellant describes the site as mostly comprising an existing dwelling and hardstanding, though an aerial photograph in the Planning Statement suggests that there are areas of lawn, as well as the trees and shrubs in planted borders which were visible above the boundary wall during my site visit. As for UGF, there is nothing before me which shows how the site's baseline biodiversity unit value has been calculated, or that the development would achieve the required net gain in biodiversity.
21. I therefore conclude that the development would not make adequate provision in terms of biodiversity or UGF; it would therefore conflict with Policies BH4 and BGI1 of the BLP, and Policy G6 of the London Plan 2021, the principal relevant provisions of which I have summarised above.
22. I find no specific conflict with Policy G5 of the London Plan 2021 which applies only to major developments, although the supporting text to that policy notes that boroughs can develop their own bespoke approach for other developments. The decision notice also referred to conflict with Policy BGI1 of the London Plan 2021, but there is no such policy; it appears to me that this is simply a typographic error, repeating the reference to a policy of the BLP. Neither of these matters alters my overall conclusion on this issue.
23. I note that the proposed development was described on the planning application as a self-build scheme. However, there is nothing before me such as a planning obligation by which that status could be secured. Had the proposal been otherwise acceptable, it appears that it would therefore also have been subject to the statutory biodiversity net gain requirement imposed by Schedule 7A of the Town and Country Planning Act 1990 (as amended).

Fire safety

24. Policy DM12 of the London Plan 2021 requires all development proposals to achieve the highest standards of fire safety. The appeal scheme is not "major development", and so the submission of a Fire Statement (as required by part B of that policy) is not required. Nevertheless, although many technical fire safety matters are dealt with under Part B of the Building Regulations, there is still a requirement under part A of Policy D12 to provide various fire safety information.
25. Although the original planning application did not include one, a Fire Strategy Statement ("FSS") was submitted during the appeal. It did not include a site plan identifying space for positioning of fire appliances or appropriate evacuation assembly points, as sought by the supporting text to Policy D12 but, having regard to the content of the FSS, I am satisfied that those needs could be accommodated in Trevelyan Gardens as would be the case for any other dwelling in that street.
26. In my view the information which has been submitted is sufficient to demonstrate that the development could, in planning terms, achieve the highest standards of fire safety. The proposal would therefore comply with Policy D12 of the London Plan 2021, the principal aim of which I have set out above.

Other Matters

27. The appeal site is in an area where the Council considers that residential intensification could be supported in principle, though this does not of course mean that *any* such scheme would necessarily be acceptable.
28. The appellant has referred to a pre-planning consultation in 2017 for proposed detached house³; it is said that “the Planning Authority found favourably with regards this proposed development on many grounds”, and I acknowledge the positive comments quoted relating to the principle of that development, as well as its proposed height and contemporary design. However, I have not been provided with full details of that proposal (including any aspects of which might not have been commented on so favourably), and note that the appeal scheme is described as “expand[ing] on the earlier schemes in a modest way”. I also note that the development plan – both at borough and London-wide levels – has been amended since 2017.
29. Reference was also made to a previous scheme refused planning permission in 2024⁴; the appellant considers that the appeal scheme has addressed the reasons for which that earlier proposal was refused. I have determined this appeal based on the details of the particular proposal before me and have found harm – albeit that I have not agreed with every element of the Council’s assessment of the planning application – as I have set out above.
30. The appellant drew my attention to two other examples where planning permission has been granted for rear garden development in the neighbourhood: at No 1 Phillimore Gardens⁵, and at No 143 A—D All Souls Avenue⁶. I have not been provided with full details of those schemes. I was able to view the Phillimore Gardens development during my site visit; I note that, although its built form is rather different from the prevailing two-storey semi-detached housing around it, it is opposite a dwelling on Phillimore Gardens rather than a side garden boundary, so the harm to the openness and verdancy of the street (which I have described in paragraph 5 above) is likely to have been rather less. I also infer, from their reference numbers, that those decisions pre-date the adoption of the current development plan policies. Neither weighs significantly in favour of this appeal scheme,
31. The appellant has referred to the possibility of using permitted development rights to construct a substantial outbuilding in the rear garden of No 210. Carrying out such a scheme would possibly lead to some harm to the character and appearance of the area in similar vein to that which I have described above. However, the restrictions on permitted development are such that, even if this is more than a theoretical possibility, it would be unlikely to harm (or provide unacceptable) living conditions in the manner I have found here. To the extent that they may represent some form of fallback position for the appellant, I am not persuaded that the possible use of permitted development rights weighs significantly in favour of the particular appeal proposal.
32. I have addressed the Council’s analysis in respect of ceiling heights in my reasons above. The appellant suggested that “given this blatant misclaim, [they] would

³ LPA Ref: 17/0149/PRE

⁴ LPA Ref: 24/1748

⁵ LPA Ref: 19/4300

⁶ LPA Ref: 20/1922

question the credibility of other refusal reasons”. While I understand their rationale for resorting to such hyperbole, I have dealt with any other errors where it has been necessary to aid understanding of my reasons. No other alleged errors or inaccuracies which might have had a significant bearing on my decision were brought to my attention.

33. The appellant noted the lack of objections to the proposal from neighbouring residents. I acknowledge that, though a lack of such objections is not in itself an indicator that a scheme is acceptable in planning terms. My decision is made solely on the planning merits of the appeal scheme, taking into account all the evidence which has been put to me.

Conclusion

34. I have found that the development would be acceptable in terms of flood risk and fire safety. However, it would harm the character and appearance of the area and neighbours’ living conditions, would not provide acceptable living conditions for future occupiers, and would not achieve the necessary gains in biodiversity. It would therefore conflict with the development plan taken as a whole.
35. There are no material considerations, including those of the National Planning Policy Framework, which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector