
Appeal Decision

Site visit made on 8 March 2016

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 April 2016

Appeal Ref: APP/T5150/W/15/3136195

Westly Court, Dartmouth Road, London, Brent NW2 4EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Caroline Cooney against the decision of the Council of the London Borough of Brent.
 - The application Ref 15/2810, dated 26 June 2015, was refused by notice dated 24 August 2015.
 - The development proposed is demolition of existing double garage and erection of new 4 bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans have been submitted with the appeal. I consider that they are materially different from those formally assessed by the Council. Third parties may not be aware of the plans nor had the opportunity to comment on them. Therefore in the interests of natural justice I must determine the appeal on the basis of the original plans formally assessed by the Council.

Main Issues

3. The main issues are:
 - whether the proposal preserves or enhances the character or appearance of the Mapesbury Conservation Area;
 - the effect of the proposal on the living conditions of the occupants of 153 Dartmouth Road with particular regard to light and outlook;
 - the effect of the proposal on the living conditions of future occupiers with particular regard to the provision of internal and outdoor space;
 - the effect of the proposed development on the safe and free flow of traffic in the surrounding area.

Reasons

Mapesbury Conservation Area

4. The appeal site comprises a detached double garage and driveway within the Mapesbury Conservation Area (CA). The site forms part of Westly Court, a modern apartment block located on the corner of Dartmouth Road and Walm
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- Lane and forms part of the Dartmouth Road street scene between the apartment block and 153 Dartmouth Road, a traditional four storey building.
5. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 6. The existing garage building is of a simple design which sits comfortably within its context. Overall, I consider the existing development on the appeal site has a neutral effect on the character and appearance of the area. Therefore, notwithstanding the appeal proposal, there is no visual benefit associated the removal of the garage.
 7. Notwithstanding the modern Westly Court, the buildings fronting onto Dartmouth Road are large semi-detached and detached traditional properties all of similar height and a similar distance from the road, with only relatively subtle variations in detail and relatively narrow spaces between them. I acknowledge that the Massing Diagram shows a number of sub groupings and suggests that the appeal proposal could be viewed as a sub group alongside 153 and 151 Dartmouth Road reflecting 118, 116 and 114 Dartmouth Road opposite. I also note that the Massing Diagram shows the size of the buildings on the road increase from east to west and that there are larger gaps between 112 and 114, 145 and 147 and 149 and 151 Dartmouth Road which are towards the west end of the road close to the appeal site.
 8. However, the differences between the traditional properties on Dartmouth Road and the differences in the spaces between them are relatively minor. In my view, their character, scale and positioning is broadly consistent and has the effect of giving the appearance of a collective group. On the south side of Dartmouth Road the group of traditional buildings sit alongside the starkly contrasting modern Westly Court building with a visual break between the traditional and modern forms of development provided by the space above and around the modest garage on the appeal site.
 9. Although the proposed dwelling would match the height of 153 Dartmouth Road and would sit closer to it than Westly Court, it would be narrower than the traditional buildings and would be of a striking, modern appearance. Furthermore the space around the proposed dwelling would afford only very limited views and would be mainly ineffective as a visual break apart from when stood opposite the proposal.
 10. Whilst the proposal goes some way towards making a transition between the traditional buildings and Westly Court, this in my view would not overcome the harm caused by the significant erosion of the visual break between two contrasting forms of development. Furthermore, the introduction of the uncharacteristically narrow modern dwelling at the end of the row of traditional properties would appear incongruous in a relative formal, uniform street scene which has a prevailing traditional character.
 11. For these reasons, the proposed development would be harmful to the character and appearance of the area. In the context of paragraph 134 of the

Framework, I consider the harm to the significance of the CA would be less than substantial and should therefore be weighed against the public benefits of the proposal. There would be some public benefits such as one more house in the Borough, the occupants of which might work locally and support local services which are within walking distance and there may also be employment opportunities associated with building the dwelling. Furthermore, I note the proposal has been designed to allow for the occupants to also work from the dwelling. However, these advantages would be small in scale and would not outweigh the great weight that should be given to the conservation of the designated heritage asset.

12. The proposal would therefore fail to preserve the character and appearance of the CA, thus the proposed development is in conflict with the statutory requirements and the design and conservation aims of the Development Plan, specifically saved Policy BE2, BE3, BE7, BE9 and BE25 of the Brent Unitary Development Plan (2004) (UDP), Policies 7.4, 7.6 and 7.8 of the London Plan – The Spatial Development Strategy for London Consolidated with Alterations Since 2011(2015) (LP) and the Framework.

Living Conditions (153 Dartmouth Road)

13. The side elevation of 153 Dartmouth Road has a number of windows facing the appeal site, including windows, providing the only outlook to two bedrooms of a ground floor flat.
14. The proposed dwelling would be four storey with rooms in its roof space. The proposed ground and first floor would be in line with the rear elevation of the existing garage with the floors above projecting further to the rear. Although, the proposed dwelling would not be directly opposite the ground floor bedroom windows, the loss of the majority of the space between 153 Dartmouth Road and Westly Court and introduction of a building of significant mass in such close proximity to these windows would be oppressive and would have an enclosing effect which would be overbearing when viewed from the single outlook of the bedrooms of the ground floor flat.
15. With regard to the effect of the proposal on light, Westly Court is a substantial building sitting to the north west of 153 Dartmouth Road. In-filling the gap between the two buildings would therefore have a negligible impact on sunlight entering the windows in the side elevation of 153 Dartmouth Road as the sun moves round from east to west. Although the proposal, would sit forward of the front elevation of 153 Dartmouth Road, the proposed stepped front elevation would avoid significant effects on sunlight entering the windows in the front elevation of 153 Dartmouth Road. The proposal would not be directly opposite the windows in the front elevation or the windows of the ground flat in the side elevation, such that I consider it would have no harmful effects in terms of daylight.
16. For these reasons, whilst, I found no harm in terms of light loss, I have found harm to the living conditions of the occupants of the ground floor flat of 153 Dartmouth Road, with particular regard to the outlook. The proposal would therefore conflict with the Development Plan, specifically saved Policy BE9 of the UDP.

Living Conditions (Occupiers of the proposed dwelling)

17. Policy 3.5 of the LP sets out minimum standards for the internal living space of new dwellings which are consistent with the Technical housing standards – National described space standard¹.
18. Both main parties agree that the proposed dwelling would exceed the required standard for total Gross Internal Area (GIA) and I have no reason to question this. However, one of the bedrooms would meet the required standard for a double bedroom the other three rooms would not. However, two of the bedrooms would be close to the minimum standard for double bedrooms and all three would meet the minimum standard for single bedrooms.
19. The proposed open plan living, kitchen and dining room on the same floor is relatively small. However, in my view combining the spaces creates an adequate main living area when compared with the overall size of the proposed dwelling. Overall given the proposed dwelling would exceed the minimum required total GIA by some way, I find that the internal living space would not result in harmful living conditions for future occupants.
20. However, the only proposed outdoor space would be a small roof terrace approximately 4.2 metres square. In my view a space this size would have very limited use and would be inadequate to meet the needs of a household with young children. Given that the proposal includes four bedrooms, I consider that its lack of a suitable private outdoor space would result in harmful living conditions for future occupants.
21. For these reasons, although I have not found harm as a result of the proposed internal living space, I have found harm to future occupants living conditions as a result of a lack of appropriate private outdoor space. The proposal is therefore in conflict with the Development Plan, specifically Policy 3.5 of the LP and saved Policy BE9 of the UDP which aim to ensure a good standard of living accommodation for residents.

Traffic

22. The appeal site is located within a controlled parking zone, in a location which is well served by public transport and within walking distance of local services and facilities.
23. Through the demolition of the garage the proposal would result in the loss of two off street parking spaces serving Westly Court. I consider that, the creation of the vehicle cross over, would result in the loss of one on street car parking space. However, the access to the garage serving Westly Court to the rear of the proposal would be unaffected as the proposed ground floor rear elevation is in the same location as the garage that would be demolished. The proposed dwelling would provide one off street parking space, which although marginally short of the Councils standard, in my view adequately provides an off street parking space for most small vehicles to be able sit clear of the footway.
24. Part of Westly Court is already car free and the location is highly accessible. In such an accessible location, I do not consider that the loss of two off street parking spaces and one on street car parking space is excessive. Furthermore,

¹ Technical housing standards – National described space standard, DCLG, March 2015

I consider that it would have a negligible impact on the free flow of traffic in the area; consequently, I find that there would be no risk to highway safety.

25. For these reasons the proposal would comply with the Development Plan in this regard. It would accord with the aims of saved Policy TRN1 and TRN3 which seek to ensure that the transport impacts of new development do not harm the living environment and a safe and efficient transport network.

Conclusion

26. For the reasons set out above, although I have found no harmful effects in terms of light, internal living space or the safe and free flow of traffic in the area, I have found harmful living conditions for future occupiers with regard to outdoor space and harm to nearby residents living conditions with regard to outlook. Furthermore, I have found that the character and appearance of the CA would not be preserved and that the harm to the CA is not outweighed by the public benefits of the scheme. Consequently the proposal does not therefore amount to sustainable development in accordance with paragraph 14 of the Framework and overall, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR