

**BRENT PLANNING
SERVICE**



BRENT HOUSE,
349-357 HIGH ROAD,
WEMBLEY HA9 6BZ

Town and Country Planning Act 1990

This appeal is against the refusal of the London Borough of Brent to grant planning permission for external insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof, creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse at 91 Dyne Road, London, NW6 7DR

Appeal by: Miss D. Yap

Planning Inspectorate Reference: APP/T5150/A/11/2148075/WF

Local Planning Authority Reference: TPS/10/2058

1.0 Introduction

- 1.1 The appeal site is 91 Dyne Road, situated on the northern side of Dyne Road close to the junction with Willesden Lane and is a 3-storey semi-detached building in the North Kilburn Conservation Area.
- 1.2 The application, now the subject of this appeal, was refused planning permission by the Council of the London Borough of Brent on the 24th September 2010 for the following reasons:

The proposed external cladding of the flank and rear walls of the building would result in the excessive projection of the render, loss of the traditional brickwork on the flank wall and upper floors of the rear elevation, deeper reveals to windows, and bulky rear dormers dominating the rear roof plane, which would fail to preserve the character and appearance of the dwellinghouse within the North Kilburn Conservation Area, contrary to policies BE9, BE25 and BE26 of Brent's Unitary Development Plan 2004 and the advice of the North Kilburn Conservation Area Design Guide.

2.0 Relevant Planning Policy

- 2.1 The relevant planning policy is described in the officer's delegated report which was submitted with the questionnaire.
- 2.10 Planning Policy Guidance Note 12: Development Plans and Regional Planning Guidance (PPG 12) emphasises the importance of supplementary planning guidance. It states that supplementary planning guidance may be taken into account as a material consideration and will be accorded more weight if it has been subject to public consultation and a council resolution. In this instance, this Policy Guidance Note has not been superseded by the Planning Policy Statement as the adopted development plan was prepared under the 1999 Development Plan Regulations.
- 2.11 In addition to the adopted planning policies of the London Borough of Brent, Central Government Guidance is also relevant to the assessment of the appeal proposal.

Planning Policy Statement (PPS) 1 deals with "Delivering Sustainable Development" and supersedes PPG1.

- 2.12 PPS1 provides the necessary support for the assessment of the appeal scheme on the basis of these policies. PPS1 outlines the principles for the operation of the planning system and reaffirms the commitment of the government to a plan led system of land use planning and also provides guidance on sustainable development with the underlying aim of reconciling economic development with the protection and enhancement of the environment. In particular, paragraph 10 states:

Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

Accordingly, the policies contained within the adopted London Borough of Brent Unitary Development Plan 2004 carry considerable weight in the determination of planning applications and appeals.

3.0 History

- 3.1 As noted in the history section of the delegated report application 10/1221 at the same site has been granted planning permission. The application which is subject to the current appeal proposes the same extensions, vehicular access etc. as the approved scheme but includes external cladding to the side and rear elevations which results in the refusal of the scheme due to the unacceptable impact on the character and appearance of the property.

4.0 Amplification of Reasons for Refusal

4.1 The Council's case has been represented in its delegated report which duly addresses the points made in the grounds of appeal.

5.0 Conclusions

4.1 It is the view of the Local Planning Authority that the appeal scheme results in an inappropriate development which fails to preserve or enhance the character or appearance of the conservation area.

4.2 The Council considers that the proposal is contrary to policies in the adopted UDP 2004 and Supplementary Planning Guidance already referred to. As a result of the reasons for refusal set out in this statement, the Inspector is respectfully requested to support the Council in its efforts by dismissing this appeal.

5.0 Conditions to be imposed should Planning Permission be granted

5.1 The following conditions were attached to the approval of application 10/1221 and if the Inspector, in spite of the above, is minded to grant permission, the Local Planning Authority would ask that these be attached to any permission:-

1. Access to the roof of the single storey extension shall be limited to the terrace area designated by railings and no access, other than for maintenance, shall be provided to the area identified as a 'wild flower meadow'.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

2. The areas so designated within the site, including the green roofs and the front garden, shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

3. The photovoltaic panels on the front gable shall be detailed to be flush with the roof covering.

Reason: In the interest of visual amenity of the Conservation Area.

4. The roof-lights shall be detailed to be flush with the roof covering.

Reason: In the interest of visual amenity of the Conservation Area.

5. Details of materials for all external work, including hardstanding material for the front garden, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.