
Appeal Decision

Site visit made on 5 January 2015

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 30 January 2015

Appeal Ref: APP/T5150/D/14/2229619

14B Tennyson Road, London, NW6 7SA

- 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 Bellbay Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 4/2630, dated 3 July 2014, was refused by notice dated 24 November 2014.
 - The development proposed is described as loft conversion and change pitched roof to terrace.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's decision notice describes the proposal as "the erection of a rear dormer window and conversion of the second floor rear pitched roof to a flat roof to serve as a terrace for first floor flat". This more accurately describes what is proposed and I shall deal with the appeal on this basis.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding area, and
 - ii) the effect of the proposal on the living conditions of the occupiers of 14 and 16 Tennyson Road, with particular regard to noise, disturbance and privacy.

Reasons

Character and appearance

4. The appeal site comprises a flat occupying the upper storeys of a 3 storey terraced property backing onto Paddington Cemetery. The proposal would comprise two main elements, the provision of a dormer in the rear roof slope, and the alteration of a pitched outrigger roof to provide a terrace.
5. The proposed roof dormer would "square off" the rear roofslope, providing full height windows across the whole width of the dormer. This would not comply

with the guidance set out in the Council's adopted Supplementary Planning Guidance (SPG 5) which says that rear dormers should be:

- i) of the same proportion as the original windows below;
 - ii) no wider than half the width of the original roof plane
 - iii) set down from the ridge by at least 0.3m and must be set up from the eaves line by at least 0.5m, and
 - iv) should be positioned on the centre line of the roof plane.
6. None of these criteria would be complied with. I consider that the guidance sets out sound design principles, and I afford it significant weight. It is broadly consistent with the National Planning Policy Framework (the Framework) which promotes good design as a key aspect of sustainable development.
 7. I consider that the proposed dormer and the changes to the roof of the outrigger projection would not be subservient to the parent building, and would fail to respect the design of the building. The combined bulk would be prominent and of poor design quality, which would be harmful to the character and appearance of the host building.
 8. In terms of its effect on the wider area, the proposal's impact would be tempered by nearby examples of large rear dormer roof extensions and outrigger alterations, several of them very similar to that now proposed. There are full width dormers on either side of the appeal site; neither of these has the benefit of planning permission granted by the Council. Whilst these dormers give the terrace a varied appearance, they are not so numerous as to have altered the overall intrinsic character of the terrace.
 9. The appellant argues that the proposal would provide a degree of consistency, infilling an existing incongruous gap. But to my mind, it would consolidate an alien element to the roofscape, and further erode the simple, pitched roof form of the buildings. The site, and in particular the upper parts and roof, is readily seen from the adjacent Paddington Cemetery and from the footpaths within it that run close to the boundary. Whilst there is some planting that provides partial screening, the dormer would nevertheless be prominent.
 10. The cemetery is included in the Register of Historic Parks and Gardens, being listed as Grade II. Its reasons for designation refer to its historical significance, the architecture of some of its associated buildings, and its layout including the arrangement of footpaths. I saw on my visit that it was well used for recreational walking, and that the path nearest to the boundary with the appeal site was also in regular use.
 11. The close-knit arrangement of urban development around the cemetery is part of its setting. As a High Victorian metropolitan cemetery, the Victorian housing around it is part of the cemetery's significance. The proposal would not be sympathetic to the historic form of the building, and would detract from the setting of the cemetery as a heritage asset. However, in the light of the other unsympathetic alterations that have taken place on other nearby properties in the same terrace which are visible from the cemetery, the harm that would be caused would be less than substantial.

12. Nevertheless, it adds to my reasons for finding that, on the first main issue, the proposal would result in material harm to the character and appearance of the surrounding area, and would conflict with saved policy BE9 of the adopted Brent Unitary Development Plan (2004), which deals with design, and also with the SPG to which I have referred.

Living conditions

13. The proposed roof terrace would allow users of it to see into windows in the roof dormer and lower rooms of No 16 at a close distance, and to see more of the private rear garden of the ground floor flat at No 14 than is now possible from existing windows in the appeal premises. I consider that that this would be unneighbourly and would result in clear harm to the privacy of these occupiers.
14. Whilst I consider that the use of the terrace would be unlikely to result in any materially more harmful noise and disturbance than would use of nearby garden areas, activity on the terrace would nevertheless draw attention to the terrace, and would reinforce the feeling of being overlooked.
15. I therefore find that the proposal would materially harm neighbours' living conditions with regard to privacy, and would conflict with Policy BE9 to which I have referred above, and which seeks to protect the privacy of existing residents, amongst other things.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR

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