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# Appeal Decision

Site visit made on 7 September 2011

by **G M Hollington MA, BPhil, MRTPI**

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

Decision date: 26 September 2011

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**Appeal Ref: APP/T5150/A/11/2144212**

**Existing telecommunications site, Brook Road, Dollis Hill, London, NW2 7DZ**

- 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 Vodafone UK Ltd against the decision of the Council of the London Borough of Brent.
  - The application Ref. 10/1636, dated 23 June 2010, was refused by notice dated 12 August 2010.
  - The development proposed is to replace existing replica telegraph pole with 13.8m high streetworks pole accommodating 6 no. shrouded antennas and 1 no. additional ground based equipment cabinet.
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## Decision

1. Approval is given for the siting and appearance of the development proposed in application Ref. 10/1636 in accordance with the submitted plans numbered 100A, 200A, 201A, 300A and 301A under the provisions of part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), subject to the condition that the proposed cabinet be painted dark green to match the existing cabinets.

## Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the surrounding area, and whether any harm is outweighed by the need to site the installation in the proposed location and the lack of less harmful alternative sites.

## Reasons

3. The appeal site is in a length of Brook Road which has residential development on the opposite side and a largely open area occupied by a covered reservoir adjoining the site. The reservoir grounds are bordered by a steel rail fence with brick piers; along the road there are trees and street lamps.
4. The proposed pole and antennas would stand close to the site of an existing pole and antennas, which they would replace. To the existing equipment and meter cabinets would be added another equipment cabinet, close to the proposed pole.
5. The existing pole and antennas resemble a traditional telegraph pole (albeit somewhat wider and taller), examples of which can be found elsewhere along the road. The existing pole/antennas do not particularly attract attention,

- although they are clearly visible to passers-by. From close quarters they are not screened by the trees and they have the open backdrop of the reservoir site. The trees largely screen the pole/antennas from view as one approaches along the road but they are deciduous and would be less effective in winter.
6. The top of the proposed pole/antennas would be two metres higher than the existing installation. The proposed pole itself would be similar in width to the existing pole but the uppermost four metres or so, housing the antennas, would be noticeably wider. The combined height and width of the pole/antennas would make them more intrusive in the street scene, rising higher above the trees and being more noticeable against the open backdrop. Their proposed light grey colour would not itself be unacceptable but some harm from the structure's size would be caused to the area's character and appearance.
  7. The additional equipment cabinet would be a little larger than the existing cabinets and be positioned on the opposite side of the proposed pole from them, but also close to the back edge of the footway. It would add to the amount of equipment in the street but, in this position and with no other street furniture other than the lamps nearby, it would not result in an untidy or cluttered appearance.
  8. My conclusion on this matter is that, arising from the size of the pole and antennas, the proposed development would result in some harm to the character and appearance of the surrounding area. It would not accord with the aims of policies BE2, BE7 and BE19 of the London Borough of Brent Unitary Development Plan 2004 (adopted January 2004).
  9. Turning to whether the harm would be outweighed by the need to site the installation in the proposed location and the lack of less harmful alternative sites, the proposed pole/antennas would serve both Vodafone and O<sub>2</sub>. The O<sub>2</sub> equipment is to replace the O<sub>2</sub> site at the John Kelly Technical College, where notice to quit has been given (Vodafone having already relocated from there to the appeal site).
  10. The appellant has demonstrated the need for the height and location of the pole/antennas in order to provide the required level of replacement 3G coverage. The appellant has also explained what alternative sites were considered and the reasons why they are not suitable. The Council does not dispute the need for the proposed installation or the thoroughness of the site selection process.
  11. The Government's general policy on telecommunications development is to facilitate the growth of new and existing telecommunications systems as an essential and beneficial element in the life of the local community and in the national economy. Planning Policy Guidance note (PPG) 8: *Telecommunications* nevertheless seeks to limit visual intrusion and strongly encourages the sharing of masts and sites, which the appeal proposal would achieve.
  12. In these circumstances, I conclude the need outweighs the modest degree of harm to the area's character and appearance which would arise from the proposed development.

Other Matters

13. Some local residents have raised concerns about health effects. I accept that they would see the installation and their concerns are relevant to my decision. Nevertheless, PPG8 advises that, if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure to radio waves, it should not be necessary for a planning authority to consider further the health aspects of the proposal. The appellant has confirmed the proposal would fully comply with these guidelines. On balance, therefore, and bearing in mind that there was little objective evidence to support local concerns and that the emissions from the mast would be within the ICNIRP guidelines, I consider that the expressed health concerns are not sufficient to justify dismissing the appeal.
14. I have considered the need for conditions in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. It is necessary only to ensure the proposed cabinet matches the colour of the existing cabinets, in order to minimise the effect on the area's character and appearance.

*G M Hollington*

INSPECTOR



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# Appeal Decision

Site visit made on 13 September 2011

**by Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI FCIHT MIEEnvSc**  
an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 15 September 2011**

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**Appeal Ref: APP/T5150/D/11/2154493**  
**57 Hardinge Road, London, NW10 3PN**

- 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 Mr S Gilani against the decision of the Council of the London Borough of Brent.
  - The application Ref 10/3211, dated 14 December 2010, was refused by notice dated 6 May 2011.
  - The development proposed is rear dormer window and roof light, front dormer window and roof light, new ground floor rear window and door to main dwellinghouse and outbuilding to rear garden.
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## Decision

1. The appeal is allowed and planning permission is granted for rear dormer window and roof light, front roof extension and roof light, new ground floor rear windows and door to main dwellinghouse and outbuilding to rear garden at 57 Hardinge Road, London, NW10 3PN in accordance with the terms of the application, Ref 10/3211, dated 14 December 2010, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the extensions and outbuilding hereby permitted shall match those used in the existing building.
  - 3) The outbuilding hereby permitted shall not be used other than for a purpose incidental to the enjoyment of the dwellinghouse at 57 Hardinge Road as such.
  - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 272A/HAR/OCT08 Revision C (Existing Plans); 272A/HAR/OCT08 Revision C ("As built" Plans); 272C/HAR/OCT08 Revision C (Existing Elevations); 272C/HAR/OCT08 Revision C ("As built" Elevations); 272C/HAR/DEC10 Revision C (Elevations); 272E/HAR/JAN10 Revision C (Existing Plan); 272E/HAR/JAN10 Revision C ("As built" Plan); 272H/HAR/NOV10 (Existing Plan and Elevations); and 272H/HAR/NOV10 ("As built" Elevations).

## Procedural Matters

2. Retrospective planning permission is sought for development at 57 Hardinge Road. However, the submitted drawings do not accurately describe the works

that have been carried out. For example, amongst several discrepancies, the rear roof light is in a position different from that shown on the plans and the outbuilding appears to be sited closer to the rear fence than is illustrated on the application drawings. In addition, the insertion of one of the windows in the rear elevation and completion of the outbuilding have not been carried out. As such, I am treating the appeal as one relating to the refusal of planning permission for the works as shown on the submitted drawings.

3. I have also varied the description of the development to read "rear dormer window and roof light, front roof extension and roof light, new ground floor rear windows and door to main dwelling house and outbuilding to rear garden." This is to reflect the fact that no window is shown in the front "dormer"; and the submitted drawings include the insertion of two windows at ground floor level in the rear elevation.
4. In the ground of appeal, it is claimed that the rear dormer is "within permitted development". Whether or not planning is required is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. I shall deal with the proposals on their planning merits. However, it is open to the appellant to apply for a Certificate of Lawfulness of Existing Use or Development under Section 191 of the above Act. My decision on this appeal does not preclude the issuing of a determination under Section 191.
5. On a final procedural matter, I note third parties' views and concerns regarding use of the premises for multiple occupation. However, such a matter is outside the scope of this appeal. My decision is limited solely to the proposals described in the appeal application.

### **Main Issues**

6. The main issues are the effect of the proposals on (a) the character and appearance of the appeal property and the surrounding area; and (b) the living conditions of the occupiers of 55 Hardinge Road in terms of overshadowing.

### **Reasons**

#### ***Character and appearance***

7. With regard to the roof at the front of the house, the application drawings show the insertion of a roof light (slightly larger than that which exists) and a small roof extension. In terms of the Council's Supplementary Planning Guidance *Altering and Extending Your Home* (SPG 5), the roof light would not dominate the roof plane nor would there be any material conflict in respect of the existing fenestration.
8. The proposed roof extension matches that which has already been built. It would be a contrived addition designed to increase headroom at second floor level. The design does not match that of the elements of the existing roof. However, the extension would be very small. In addition, with cladding in materials to match those used in the existing roof, the extension would have scarcely any impact on the street scene. There would be no material harm.
9. In terms of the rear elevation, the drawings show the proposed insertion of a new door and two new windows at ground floor level. These are typical works of improvement. Upon completion, the unity of the existing rear elevation

would change. However, there would be no material harm either in relation to the existing house or beyond the curtilage of the property.

10. Turning to the illustrated changes to the rear roof, these include a roof light on the main rear roof slope (in a position different from the existing roof light on the hip). As at the front of the house, the roof light would not dominate the roof plane nor would there be any material conflict in respect of the fenestration.
11. As to the rear dormer window, this would conflict with the Council's SPG 5 and represent a material change in the roofscape. However, the design is typical of many rear dormers. In addition, given the presence of existing trees and other vegetation in rear gardens, direct views towards this part of the roof are essentially limited to private views from three properties in Irwin Gardens to the rear. In my opinion, the dormer would soon become a familiar and acceptable feature. The effect on the existing property and on the wider area would not be significant.
12. Finally, I consider the impact of the outbuilding. This would be of substantial construction and larger than many domestic outbuildings. Nevertheless, having regard to the size of the rear garden, I do not consider that the dimensions are excessive or that there would be a material impact on the character and appearance of the wider area. Although described as "ugly" by neighbouring residents, I would expect the appearance to be enhanced upon completion of the development in approved materials and with general tidying of the site.

### ***Overshadowing***

13. In terms of the impact on the occupiers of neighbouring properties, the most significant issue is overshadowing of the garden of 55 Hardinge Road. In this regard, the stated height for the outbuilding is 2.4m. However, this would be above an area of block paving that is already at a level higher than the adjacent rear gardens.
14. In my estimation, there would be a degree of overshadowing of the northern part of the rear garden of 55 Hardinge Road. This is likely to be most apparent in the summer months, later in the day. However, most of the garden would continue to be in sunlight. In addition, a degree of overshadowing would be caused by a boundary fence in any event. To my mind, the living conditions of the occupiers of 55 Hardinge Road would not be unacceptably affected.

### **Overall Conclusion**

15. I conclude that there would be no material harm to the character or appearance of the appeal property or the surrounding area. In addition, having regard to the living conditions of the occupiers of 55 Hardinge Road, there would be no significant overshadowing. In terms of Unitary Development Plan Policies BE2, BE7 and BE9, the design would be acceptable. However, conditions are necessary in the interests of visual amenity (Condition 2)); to safeguard the character of the area (Condition 3)); and for the avoidance of doubt and in the interest of proper planning (Condition 4)).

*Andrew S Freeman*

INSPECTOR



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# Appeal Decision

Site visit made on 9 September 2011

**by Christine Thorby MRTPI, IHBC**

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

**Decision date: 20 September 2011**

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**Appeal Ref: APP/T5150/D/11/2156038**  
**63 Bassingham Road, Wembley, HA0 4RJ**

- 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 Mr A Baig against the decision of the Council of the London Borough of Brent.
  - The application Ref 11/0660, dated 12 April 2011, was refused by notice dated 13 June 2011.
  - The development proposed is a detached outbuilding.
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## Decision

1. The appeal is allowed and planning permission is granted for a detached outbuilding at 63 Bassingham Road in accordance with the terms of the application, Ref 11/0660, dated 12 April 2011, subject to the following condition:
  - 1) The outbuilding hereby approved shall be used solely for purposes ancillary to 63 Bassingham Road. No business or industry shall be carried out therein, nor shall this building be sold, let or occupied separately from the main dwelling.

## Reasons

2. The main issue is the effect on the character and appearance of the area. The outbuilding has already been built and is one of many substantial garden buildings which are visible at the rear of properties in the area. The adjacent 61 Bassingham Road, 15 Norton Road and its adjoining property, all have large outbuildings spanning most of the width of the rear gardens. They are clearly viewed from Danethorpe Road, from where the appeal building adjoins the highway. The outbuildings appear recent, are in good condition and do not detract from the appearance of the area. Whilst other outbuildings may be smaller in footprint, the low height of the appeal scheme ensures that any differences in size are not particularly noticeable.
3. Although Core Strategy policy CS17 seeks to protect gardens, the loss of some garden area at the appeal site would not be harmful as the overwhelming character of Bassingham Road and Danethorpe Road is one of gardens with large outbuildings.
4. 63 Bassingham Road has been extended with a large, single storey rear extension and other additions. Even with the outbuilding in situ, the remaining garden appears reasonably large and there is no evidence that it is inadequate.

in size in any way. The footprint and mass of the appeal outbuilding are not disproportionately large when compared to the scale of the property.

5. The outbuilding comes forward of the building line of the row of adjacent houses in Danethorpe Road. However, this is the case with the much older, existing garage to the corner property on Norton Road, which also comes forward of the Danethorpe Road building line. A substantial outbuilding where the appeal building is located is not an unexpected feature and it is not out of keeping or disruptive in the street scene.
6. Although other appeal decisions are mentioned, I do not know the full circumstances of these cases. Having seen the decision notices I note they differ either in size, site levels, appearance or prominence to the appeal scheme and they would not justify its refusal. With regard to whether the space is needed and the internal arrangements, this is not relevant as the outbuilding is acceptable in character and appearance, regardless of the permitted development, fall back position. Moreover, its ancillary use can be secured by condition.
7. There is no need for a condition ensuring that the outbuilding is built in accordance with the plans, as it has already been erected. A condition would be necessary, however, to restrict the use of the outbuilding as ancillary to the main house to protect local character and neighbours' living conditions.
8. I conclude that the outbuilding would not detract from the character and appearance of the area. It would comply with the London Borough of Brent Core Strategy policy CP17 and Unitary Development Plan policies BE2 and BE9 which seek to protect architectural quality and local character.

*Christine Thorby*

INSPECTOR





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# Appeal Decision

Site visit made on 13 September 2011

**by Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI FCIHT MIEEnvSc**  
an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 16 September 2011**

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**Appeal Ref: APP/T5150/D/11/2158073**

**2 Tudor Court North, Wembley, Middlesex, HA9 6SG**

- 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 Mr A Ahmad against the decision of the Council of the London Borough of Brent.
  - The application Ref 11/0931, dated 11 April 2011, was refused by notice dated 2 June 2011
  - The development proposed is erection of a part single, part two storey side extension to single family dwellinghouse.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of a part single, part two storey side extension to single family dwellinghouse at 2 Tudor Court North, Wembley, Middlesex, HA9 6SG in accordance with the terms of the application, Ref 11/0931, dated 11 April 2011, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2137PD – 01/FP; 2137PP – 02/FP Revision A; 2137PP – 03/FP Revision B; and 2137PP – 04/FP.

## Main Issue

2. The main issue is the effect on the character and appearance of the existing house and the wider area.

## Reasons

3. It is proposed to erect a part single, part two storey extension at the side of this semi-detached property where the main roof of the house has been converted from a hip to a gable. The other half of the semi-detached pair retains a hipped roof. There is an area of public open space immediately to the east of the appeal site. To the west is a run of semi-detached houses, all with hipped roofs, including 2 to 20 Tudor Court North.
4. The rear of the extension would line up with the rear main wall of the property. The front wall of the single storey element would be set back from the front

- main wall by 250mm and would have a sloping roof. The first floor side extension would have a gabled roof and would be set back 2.5m.
5. The Council's Supplementary Planning Guidance (SPG 5) *Altering and Extending Your Home* states that permission will not be granted for a side extension to a house that has a conversion from a hipped roof to a full gable end. The proposal would therefore be contrary to the adopted guidance.
  6. By way of explanation, the Council officer's delegated report states that this is due to an awkward appearance resulting from a property which has a significantly different roof design to the remaining area where the properties mainly retain their original hipped roof design.
  7. When approaching the site from the east, I saw that the exposed gable end of the existing house is largely screened by trees on the public open space. At the point where the gable end comes into view, there is no appreciation of the fact that the remaining houses in the road have hipped roofs.
  8. The perception from the west is slightly different. Firstly, No 2 is the very end property in the road. As such, the conversion of the main roof to a gable is less obvious than would be the case if the gable were in the middle of a run of houses. Second, being set back by 2.5m, the gabled extension would not be obvious in the street scene. Third, there is a bend in Tudor Court North just beyond No 2. The eye tends to be drawn away from the appeal site and towards the properties on the bend including, for example, a rear dormer on a hip to gable converted roof at 3 Tudor Court North.
  9. In the particular circumstances of this case, I am satisfied that the extension would not give rise to an awkward, incongruous or unbalanced appearance. Indeed, the gabled roof on the extension would be better suited to the property as now altered. At the same time, the extension would be proportionate in size. The extension would be of an appropriate design (Unitary Development Plan Policy BE9). In addition, having regard to Policy BE2, there would be no harm to the character or appearance of the existing house or the wider area.
  10. I conclude that the appeal should be allowed. However, conditions are necessary in the interest of visual amenity (Condition 2)); also for the avoidance of doubt and in the interests of the proper planning of the area (Condition 3)).

*Andrew S Freeman*

INSPECTOR