

Appeal Decision

Site visit made on 8 November 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/T5150/D/16/3155106
74 Princes Avenue, London NW9 9JD

- 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 J Syed against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1408, dated 1 April 2016, was refused by notice dated 31 May 2016.
 - The development proposed is to erect a white PVC-u conservatory to the rear of the dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted to erect a white PVC-u conservatory to the rear of the dwelling house at 74 Princes Avenue, London NW9 9JD in accordance with the terms of the application, Ref 16/1408, dated 1 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan, Site Location Plan, Existing Plan and Elevations 099/88262/1, Proposed Plan and Elevations 099/88262/2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing ground floor rear extension.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupants at 76 Princes Avenue, with particular regard to loss of outlook.

Reasons

3. The appeal property is a two storey mid-terrace dwelling set in a relatively generous plot, located within an established residential area of similar character. From my observations at the time of my site visit, it was evident that a number of the surrounding dwellings have both rear extensions, including conservatories. As with the appeal property, many of the
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neighbouring properties also have detached outbuildings sited within their rear gardens.

4. The appeal proposal would adjoin the existing single storey rear extension and would be approximately three quarters of the width of the property. The proposed conservatory would extend up to the boundary with the neighbouring property at 76 Princes Avenue. No 76 has a half-width outrigger extension, although this is located adjacent to the boundary with No 78. As such, the proposal would project approximately 2.2 metres beyond the existing ground floor extension. This would result in a total projection of approximately 5.4 metres from the original rear wall of No 74.
5. The boundary between the appeal property and No 76 comprises of wooden panel fencing which runs the entire length of the boundary. Given the proximity and height of the fencing, the proposed flank elevation facing No 76 would project above the boundary fencing. I accept that the impact of the proposal on the outlook of the occupiers of No 76 would perhaps be more pronounced given that there is no ground-floor extension adjacent to the boundary with the appeal site. However, I do not consider that the extent of visible brick work and sloping roof would be so significantly higher or for such a depth as to loom large and oppressive in the neighbours' views.
6. While the new addition would be in close proximity to the rear of No 76, the outlook from both the main dwelling and rear garden would not be significantly affected. Consequently, I find that the new conservatory, while evident, would not overbear or dominate outlook for the occupiers of No 76.
7. Thus, despite a technical breach of the Brent Council SPG5: Altering and Extending your Home 2002 (the SPG), the site specific circumstances of this appeal mean that the scheme would still comply with the overall amenity and design aims of Policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and the SPG.

Conditions

8. The Council has suggested a number of conditions which it considers would be appropriate were the appeal to be allowed. I have considered these in light of both the Framework and Planning Policy Guidance and find them to be reasonable and necessary in the circumstances of this case.
9. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans in order to provide certainty. In order to ensure a high quality development, a condition relating to the materials to be used in the construction of the external surfaces of the proposal is also necessary.

Conclusion

10. I therefore conclude that, subject to appropriate conditions, the appeal should be allowed.

Helen Cassini

INSPECTOR