
Appeal Decision

Site visit made on 22 November 2016

by Michael Boniface MSc MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/T5150/W/16/3152724

First Floor Flat, 30B St Marys Road, Brent, London, NW10 4AP

- 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 Xenophon Christodoulide against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1187, dated 18 March 2016, was refused by notice dated 23 May 2016.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at First Floor Flat, 30B St Marys Road, Brent, London, NW10 4AP in accordance with the terms of the application, Ref 16/1187, dated 18 March 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: 30BSMR/OS, 30BSMR/01, 30BSMR/02, 30BSMR/03 and 30BSMR/04.
 - 3) The development shall be carried out using materials matching that of the existing building.

Main Issue

2. The main issue is the effect on the living conditions of neighbouring occupants, with particular regard to outlook and light.

Reasons

3. The appeal property is a first floor flat contained within a semi-detached residential building. The semi-detached pair currently has a two storey flat roofed protrusion from the rear, beyond which is a single storey element. The proposed development seeks to extend over part of the single storey area, around 2 metres out from the existing first floor rear wall.
4. The Council's Supplementary Planning Guidance, *Altering and Extending Your Home* (2002) (SPG5) seeks to restrict the depth of extensions to half the distance between the side wall and the centre of the neighbours nearest habitable room window. In this case, it is agreed between the parties that this

allows for an extension up to 0.95m in depth, taking account of the adjoining neighbour's first floor window.

5. However, this guidance is dated and does not appear to allow for any site specific assessment of impacts or the consideration of site specific circumstances. This limits the amount of weight that I attach it. In this case, the neighbour's window faces otherwise open garden areas. Although the proposed development would become visible, the relatively short depth would maintain lateral views beyond the extension and the remaining outlook in other directions would be unaffected. It is also pertinent that that extension would have a flat roof as this limits the overall scale, height and mass of the addition and minimises the visual effect on the neighbours.
6. This design also minimises the potential for any loss of light and this, coupled with the orientation of the buildings mean that very limiting impact would result in this respect. Any overshadowing would be confined to very early in the morning but the daily path of the sun would mean that the effects would be brief with little impact on sunlight for the majority of the day. Under these circumstances, the development would not materially harm the living conditions of neighbouring occupants.
7. As such, I find no material conflict with Policies BE2 and BE9 of the Brent Unitary Development Plan (2004) which deal with local context and character and seek to protect the living conditions of existing occupants, including in relation to outlook and light.
8. The Council has suggested conditions in the event that planning permission is granted. I have attached the standard time period for commencement of development and specified the drawings to which the permission relates in the interests of certainty. A requirement for the use of materials matching that of the existing property is also necessary to ensure an appropriate appearance for the development.
9. In light of the above, and having considered all other matters, the appeal is allowed.

Michael Boniface

INSPECTOR