

Appeal Decision

Site visit made on 9 November 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 5th December 2016

Appeal Ref: APP/T5150/W/16/3155528
84 Walm Lane, Brent, London, NW2 4QY

- 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 Mohammed Munir Chughtai against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/0347, dated 27 January 2016, was refused by notice dated 23 May 2016.
 - The development proposed is erection of a first floor rear extension to provide 1 x studio flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of adjacent occupiers with regard to loss of outlook and light.

Reasons

3. The appeal site comprises a flat roofed single storey element of the existing building, which is otherwise 3 storeys in height. The proposal would vertically extend this part of the building to create a first floor studio flat. This increase in height would be in close proximity to the windows of nearby properties.
 4. The first floor apartment at No 86 Walm Lane has a number of windows in close proximity to the appeal proposal. In combination with the existing buildings, the development would create a tunnel effect at the rear of this property that would significantly reduce the outlook from the rear facing dining room window. It would also unacceptably reduce the natural light that would reach this window. Whilst the rear dining room window is slightly elevated compared to other windows in the property, this is not sufficient to alleviate the impact of the development in my view. In addition, I note that the existing building already breaches a 60 degree line of vision from this window. However, that is not a reason to allow the situation to deteriorate further.
 5. The south facing kitchen windows to No 86 are obscurely glazed, and there would therefore be no unacceptable loss of outlook to this room, albeit there would be some loss of natural light. An adjacent window serves a stairwell, which is a less sensitive room. In addition, there would be no unacceptable effect on the east facing bathroom window to No 86, which is obscurely glazed
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and faces away from the development. Separately, there would be some harm to the natural light that would reach the rear facing window of the first floor flat at No 84 by virtue of the tunnel effect that would be created by the development.

6. The effect of the development on the outlook from nearby second floor windows would not be unacceptably harmful in my view. These windows are positioned some way above the height of the development, and any reduction in outlook and natural light would therefore be modest. Similarly, the effect of the proposal on No 197 Chatsworth Road would be minimal as there are no windows in the side elevation of this property.
7. I conclude that the development would unacceptably harm the living conditions of adjacent occupiers with regard to loss of outlook and light. It would therefore be contrary to saved Policy BE9 of the Brent Unitary Development Plan (2004) and guidance contained in the Design Guide for New Development Supplementary Planning Guidance.

Other Matters

8. The appeal site is located within the Willesden Conservation Area, which comprises a well preserved Victorian commercial centre. The effect of the development on the character and appearance of the conservation area was not a reason for refusal, and the Council do not object to the proposal on this basis. Whilst the development would increase the height of the building at the rear, this would still be well below the eaves height of the main part of the building. The proposed detailing would also be in keeping with the host building, and other buildings in the immediate area, and matching materials could be secured by condition. In these circumstances I am satisfied that the proposal would preserve the character and appearance of the conservation area, in accordance with national policy.
9. The proposed dwelling would not meet the definition of affordable housing set out at Annex 2 of the National Planning Policy Framework ('The Framework'), nor is there any evidence before me that it would be specifically reserved for key workers. I therefore attach no weight to this consideration.

Conclusion

10. The Framework states that there are three dimensions to sustainable development. I have found that the development would unacceptably harm the living conditions of adjacent occupiers, and would therefore have a negative environmental effect. The social effect of the development would include the provision of a new dwelling, and there would be a modest economic benefit generated through employment and economic activity during the construction process. However, these modest benefits would be outweighed by the environmental harm caused by the proposal. The development would therefore not constitute sustainable development as set out in the Framework.
11. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR