



Appeal Decision

Site visit made on 2 December 2016

by Peter D Biggers BSc Hons MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/T5150/D/16/3160487

1 Priory Avenue, Wembley HA0 2SB

- 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 Alshad Ladha against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2512, dated 8 June 2016, was refused by notice dated 30 August 2016.
 - The development proposed is loft conversion at 1 Priory Avenue.
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Application for Costs

1. An application for costs was made by Mr Alshad Ladha against the Council of the London Borough of Brent. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural Matter

3. The property benefits from planning permission (Ref 15/3738) for a 2 storey rear extension which is shown on the submitted plans as existing although in fact it was clear from the site visit that it has not been built. Notwithstanding the inaccuracy of the submitted plans of the property as existing, the extension could be constructed and therefore I have considered the proposed loft conversion and dormer window both in the context of the existing house and the house once extended.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the property at 1 Priory Avenue and the surrounding area.

Reasons

5. Priory Avenue, where the appeal property is located, is a street of terraced 2 storey housing in brick, render and tile with gabled or hipped 2 storey bay windows to the street. No 1 is an end of terrace house with the side gable elevation clearly visible from the street.
 6. The principle of extending into the loft space and using a dormer window to increase the space that can be created in this way is accepted by the Council. However to be acceptable the dormer would need to comply with the guidance in
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the *Supplementary Planning Guidance Altering and Extending Your Home* (SPG5) and would need to respect the character of the dwelling and the surrounding area.

7. It was apparent observing the surroundings from the elevated position of the current dormer window that there appeared to be no large full-width dormers in the immediate vicinity of the appeal site and the feature would not therefore be characteristic of Priory Avenue. I have however been referred to two other rear full width dormers which the appellant considers justifies his proposal. The closest of these, at 8 Priory Close, was reportedly constructed without permission and the other at 14 Dennis Avenue was granted a Certificate of Lawfulness confirming that it would be permitted development. I do not therefore consider these to be material in my determination and I will consider the proposal at No 1 Priory Avenue on its own merits.
8. Although the proposed dormer would comply with the requirements that it should be set down from the ridge by at least 0.3 metres and up from the eaves line by at least 0.5 metres it would not comply with the guidance in SPG5 in two important respects. First SPG5 advises that the dormer should not be wider than half the width of the roof plane. The proposed dormer takes up the majority of the width of the roof plane. Secondly, the dormer should be mainly glazed when what is proposed would be predominantly tile hung. As a result the dormer would not be subordinate to the form of the roof and would appear as an obtrusive and incongruous feature at a high level on the property.
9. Whilst the permitted 2 storey extension, once built, would screen part of the proposed dormer from ground level, the outsized dormer would still be visible as an incongruous feature particularly in inward views from the surrounding properties. The scale and mass of it would also appear obtrusive in views of the side gable to No 1 along Priory Avenue from the north.
10. With regard to the proposed front rooflights, the SPG does permit a maximum of 2 rooflights to the front of properties provided they would not dominate the roof plane and they would broadly align with the fenestration further down the building. In these respects the front rooflights would not be inappropriate. I have considered whether to issue a split decision on the appeal and grant permission for the front rooflights. However as they are part of the loft conversion and at least functionally linked to the proposed dormer extension it would not be appropriate to issue a split decision.
11. Although SPG5 is guidance rather than policy the objective to create better quality design in residential alterations and extensions is firmly based on policy CP17 of the *London Borough of Brent Core Strategy* (CS) and policies BE2 and BE9 of the *Brent Unitary Development Plan* (UDP). CS Policy CP17 seeks to ensure that the distinctive suburban character of Brent is protected from inappropriate development. UDP policies BE2 and BE9 require development to be designed with regard to its local context, making a positive contribution to the area and to be of a scale, massing and height that is appropriate to its setting, embodying a creative and appropriate design solution. The policies, although adopted some time before the *National Planning Policy Framework*, are consistent with the Framework's policy objectives of securing a high quality of design and to take the opportunity to improve the character and quality of an area.
12. For the reasons given above the proposal would have an adverse impact on the character and appearance of the host dwelling and the surrounding area and would therefore conflict with the CS policy CP17, UDP policies BE2 and BE9, the

Framework and the guidance in SPG5.

13. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and understand the appellant's reasons for wishing to extend his home. However I am not persuaded that additional space on the second floor could not be achieved with a smaller dormer that was compliant with policies and the guidance in SPG5. As such and for the reasons given above the appeal should be dismissed.

P. D. Biggers

INSPECTOR