



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/16/3160282

30 Crabtree Avenue, Wembley HA0 1LP

- 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 Upendra Solanki against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2331, dated 31 May 2016, was refused by notice dated 27 July 2016.
 - The development proposed is retrospective application for the erection of a raised canopy structure to rear of pre-existing extension and a single storey outbuilding in the rear garden of dwellinghouse.
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Decision

1. The appeal is dismissed insofar as it relates to the raised canopy structure.
2. The appeal is allowed insofar as it relates to the single storey outbuilding and planning permission is granted for a single storey outbuilding in the rear garden of dwelling house at 30 Crabtree Avenue, Wembley HA0 1LP in accordance with the terms of the application, Ref 16/2331, dated 31 May 2016 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The outbuilding hereby permitted shall not be used or occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 30 Crabtree Avenue.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the property at 30 Crabtree Avenue and surrounding area and on the present and future living conditions of the occupiers at Nos 28, 30 and 32 Crabtree Avenue in terms of light levels and outlook.

Reasons

4. Crabtree Avenue, where the appeal site is located, is a street of 2 storey terraced houses in brick, render and tile. No 30 has a pre-existing single storey rear extension which aligns with the extension to the rear of No 32. No 28 has no rear extension and its rear elevation is stepped back by about 2.4 metres from the rear wall of the extension to No 30.
 5. At the time of my visit both the rear tiled canopy and the outbuilding had been constructed with only internal fitting out of the outbuilding to be completed. It was in use for storage purposes.
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Character and Appearance

6. The canopy roof takes a monopitch form incorporating a new roof over the existing single storey extension. Whilst the replacement tile roof over the single storey extension is an improvement on the previous flat roof, the additional scale and depth of the canopy section increases the solid roof projection to 6 metres and is out of proportion to the original house and its plot. I accept that there was a perspex covered canopy in place at the property previously and note the appellant's wish to replace this with a structure that does not require annual maintenance. Nevertheless the depth of the solid roofed canopy in combination with the extension roof has a detrimental impact on the character and appearance of the host property and neighbouring properties in the terrace.
7. Regarding the outbuilding, the structure is viewed in the context of existing outbuildings in the garden of No 28 Crabtree Avenue to which it is adjacent and a larger structure in the garden of No 29 Fulwood Avenue. Although the outbuilding at No 30 occupies most of the width of the plot it is only just over the size of building which could be built under permitted development rights. Moreover it presents a simple, contemporary addition to the plot and its impact on the character and appearance of the property and surroundings is acceptable.
8. In coming to a view on this proposal, I have had regard to the *National Planning Policy Framework* (the Framework) which promotes good design and visually attractive developments. At Paragraph 64 it states that "*..permission should be refused for development of poor design that fails to take the opportunities available to improve the character and quality of an area.*"
9. Policy BE9 of the *Brent Unitary Development Plan* (BUDP) is consistent with the Framework policy on design and requires development, including extensions, to be of a scale and massing that is appropriate to their setting.
10. For the reasons above, whilst the design of the outbuilding is satisfactory, the rear canopy extension would harm the character and appearance of the original property and its surroundings. As such it would be in conflict with BUDP policy BE9 and the Framework.

Living Conditions

11. The size, depth and solid roof of the canopy structure has a significantly harmful effect on the light levels into the kitchen of No 30 itself to the detriment of living conditions for present and future occupants of the property.
12. The canopy sits on the south side of No 28 which has a window to a habitable room close to the boundary. The fact that the extension and canopy now extends out 6 metres from the rear elevation of No 28 will reduce sunlight to that room and to part of the garden area at certain times of the day and particularly when the sun is lower in the sky during the winter months. Moreover the structure will have an adverse impact on the outlook from the rear ground floor window as a result of its 6 metre depth.
13. Although the occupant of No 32 has raised similar concerns, the impact of the canopy on living conditions for occupants of that property would be less because it sits to the south of No 30 and has its own rear single storey extension with a similar projection to that at No 30. There would therefore be no impact on sunlight

and a lesser impact on outlook.

14. With respect to the outbuilding, the structure is located to the rear of No 30's garden, on the site of a previous outbuilding, adjacent to the outbuilding in the garden of No 28 and framed by the larger outbuilding at No 29 Fulwood Road. As such, whilst it will be visible from the rear windows of both Nos 28 and 32, the structure is not overbearing in these views and does not have an adverse effect on the occupants' outlook such as to warrant dismissing the appeal on these grounds.
15. The Framework in its core planning principles at paragraph 17 seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. BUDP Policy BE9 is consistent with the Framework in seeking to ensure buildings are of a scale, design and relationship to each other providing a satisfactory level of sunlight and outlook for existing and proposed residents. For the reasons above, whilst the outbuilding raises no issues in respect of living conditions, the rear canopy structure would fail to meet policy objectives in both policy BE9 and the Framework.

Conclusions and conditions

16. The proposed outbuilding is clearly severable both physically and functionally from the rear canopy. I will, therefore, issue a split decision allowing the appeal insofar as it relates to the outbuilding but dismissing it in relation to the rear canopy.
17. I have considered the conditions suggested by the Council against the advice in the National Planning Practice Guidance and for their clarity. As the outbuilding is already largely completed and the form and appearance of it is satisfactory there is no need for conditions controlling its construction. However the outbuilding is not in a location where its use as living accommodation or for commercial purposes would be acceptable and therefore it is necessary to impose a condition that restricts the use of the outbuilding to that ancillary to the dwelling at No 30 Crabtree Avenue.
18. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and understand the appellant's wish to develop his property. However this does not outweigh the adverse impact that the canopy would have on the occupiers of both No 30 and neighbouring properties.
19. For the reasons given above, I conclude that the appeal should be dismissed in relation to the rear canopy. However, in relation to the outbuilding the appeal should succeed and planning permission be granted.

P. D. Biggers

INSPECTOR