

Appeal Decision

Site visit made on 30 November 2016

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/M5450/D/16/3160498
16 Pasture Road, Wembley, HA0 3JL

- 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 & Mrs Masterson against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2545, dated 13 June 2016, was refused by notice dated 1 September 2016.
 - The development proposed is loft conversion with rear dormer, two storey side and part single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the extension would, i) be harmful to the appearance of the parent house and the street scene and would fail to preserve the appearance of a conservation area and/or, ii) have an overbearing impact on the house and garden at 18 Pasture Road and cause an unacceptable loss of outlook for that property.

Reasons

Street scene and the character and appearance of a conservation area

3. The appeal property is one of a pair of inter-war semi-detached houses on the east side of Pasture Road just north of its junction with Stapenhill Road in the Sudbury Court Conservation Area where, in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The house is set some distance from its neighbour to the south, No 14 Pasture Road, with the result that its existing 2-storey side elevation is prominent in the street scene when approached from the south.
4. In their refusal notice the Council refer to the Sudbury Court Conservation Area Design Guide (SCCADG) and the appellants quote from the same Guide in their appeal statement. However, neither party has provided a copy of that Guide. The Council have however provided a copy of their Supplementary Planning Guide 5 'Altering and Extending Your Home' (SPG5).

5. The Council consider that the proposed 2-storey side extension would not be subservient to the parent house and would appear over-large and bulky. Their main reason for this view is that it would not be set back sufficiently from the front of the house. The shallow single storey element at the front of the side extension would however be set back about 1m from the existing 2-storey bay and the main 2-storey part of the extension would be set back by about 1.5m. These set-back distances appear to conform to the advice in SPG5. The officer's report nevertheless questions whether it is appropriate to measure set back distances from a projecting front bay.
6. The proposed set-backs also comply with the guidance in the SCCADG although I base this conclusion only on the extract from that Guide in the appellant's appeal statement. Significantly, the extract shows the set-back being measured from the front of a projecting bay.
7. Compliance with the guidance, particularly that in the SCCADG supports my subjective assessment that, when approached from the south, the extension would be set-back far enough from the prominent front bay to avoid appearing unduly obtrusive or harmful to the street scene.
8. The officer's report says that the separation distance between No 14 and No16 increases the visibility of any side elevation but, given my finding that the set-back would be sufficient to avoid a harmful effect, this does not change my assessment of the proposal.
9. The officer's report also notes that, by virtue of wrapping around the rear of the house, the extension would obscure the original side elevation. I have reservations about this particular observation because an extension that did not wrap around would also obscure the original side elevation. The wrap-around would however make the new side extension deeper than the existing and as such could potentially have a greater impact on the view from the street, especially given the distance between Nos 14 and 16. On balance however I consider that the additional depth of wall would be sufficiently far back from the road not to have a significant impact on the street scene. I conclude that proposal would not be harmful to the appearance of the parent house or the street scene and would preserve the appearance of the Sudbury Court Conservation Area. As such it would not conflict with the objectives of saved policies BE9 and BE26 in the Council's Unitary Development Plan UDP).
10. Both the Council and the appellant refer to an appeal decision at 28 Pasture Road but the differences between the two cases is sufficient for that decision not to affect my decision in the present appeal.

Outlook from the rear of 18 Pasture Road

11. The officer's report refers to a 1:2 rule. The appellant's appeal statement explains that this is guidance taken from SPG5 that the depth of a rear extension should not be greater than half the distance from the side of the extension to the mid-point of the nearest neighbouring habitable room window. Although not stated by either party I have assumed that the guidance applies to 2 storey extensions.
12. I am told that the appellant's architect based his design on a 45 degree line taken from the corner of No 18's nearest habitable room window. From my

examination of the submitted plans and from what I saw during my site visit I have no reason to doubt the accuracy of this statement. It follows that the relevant angle from the centre of that window to the outer corner of the proposed 2-storey extension would be slightly less than 45 degrees.

13. I am not told whether SPG5 was adopted following public consultation and I am aware that some planning authorities use the 45 degree guideline to which the architect refers and that the Building Research Establishment's Report '*Site Layout for Daylight and Sunlight: A Good Practice Guide*' uses the same 45 degree criterion. A further consideration is that the outlook from the neighbour's nearest ground floor window is already restricted by a rear conservatory at the appeal property and would in future be restricted by the rear single storey element of the proposed extension. This single storey element, to which the Council do not object, would largely screen the 2-storey element when seen from the affected window. I recognise that ground floor developments at No 16 do not affect the view from No18's first floor rear windows but the impact of the 2-storey extension on these windows would be reduced because the difference in height would be less. Taken together these considerations lead me to have reservations about the uncritical application of the 1:2 rule in relation to this particular proposal.
14. Although I do not think that the impact of the 2-storey extension on No 18's windows is sufficient to warrant a refusal of permission I am more concerned about its effect on the outlook from No 18's rear garden, especially that part which is closest to the house. If the extension was to be built anyone looking towards the extension from this part of the garden would be faced by a blank side wall over 5m high, around 4m wide and just over 3.5m from the boundary. To my mind the wall would be intrusive and overbearing in the outlook from this part of the garden especially because of its position directly to the south and its consequent effect on sunlight. In conclusion, although I have reservations about the appropriateness of the SPG guidance in relation to No 18's windows, I consider that the proposal is unacceptable in respect of its effect on the outlook from No 18's rear garden and therefore fails to comply with the relevant objectives of saved policy BE9 in the Council's Unitary Development Plan. For this reason I dismiss the appeal.
15. The appellant refers to a previous appeal decision at 68 Cranleigh Gardens. Whilst the information given shows some similarities between the two cases there is not enough information for me to make a detailed comparison. I must in any event determine the appeal before me on its own merits. I have however noted that the appeal property in that appeal was to the north of the affected neighbour whereas in the present case the proposed 2-storey rear extension would be directly to the south of No 18.

George Arrowsmith

INSPECTOR