
Appeal Decision

Site visit made on 8 November 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/T5150/W/16/3155906
90 Holyrood Gardens, Edgware, HA8 5LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Harsha Siyani against the Council of the London Borough of Brent.
 - The application Ref 16/0545, is dated 5 February 2016.
 - The development proposed is "retrospective application for the demolition of garage and retention of a hip to gable end roof extension, rear dormer window, part single, part 2 storey side and rear extension and 2 front roof lights to dwelling house".
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garage and retention of a hip to gable end roof extension, rear dormer window, part single, part 2 storey side and rear extension and 2 front roof lights to dwelling house at 90 Holyrood Gardens, Edgware, HA8 5LR in accordance with the terms of the application, Ref 16/0545, dated 5 February 2016 and the plans submitted with it.

Preliminary Matters

2. The description of development differs slightly between that given on the planning application form and the appeal form. However, the latter has been used by both the appellant and the Council and more accurately describes the development. For the avoidance of doubt, this is the description of development that I have used in the header above.
3. The application is retrospective as the development has been fully completed. I have considered the appeal on that basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the existing dwelling and the wider area.

Reasons

5. The host dwelling is a semi-detached property situated in Holyrood Gardens, a quiet residential road characterised by other semi-detached and detached properties of a similar style and design, with many retaining their original hipped roof form. Whilst this provides an element of uniformity to the street
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- scene, there have been a number of hip to gable roof extensions and other alterations that have changed the original character and appearance of the road which is identified as an Area of Distinctive Residential Character.
6. The appeal dwelling has quite a complex planning history. In June 2014 a Certificate of Lawfulness was granted for a 6m deep single storey rear extension. This has been constructed and is not a matter which is before me in the determination of this appeal. However, following on from this the appellant states that a hip to gable roof extension with rear dormer was constructed under permitted development rights. It is asserted that the appellant then went on to submit a fresh application for a part single and part 2 storey side and rear extension after the demolition of the existing garage.
 7. The Council accepts that the rear dormer and hip to gable extension complies with permitted development rights as the combined volume would not increase the volume of the original roofspace by more than what is allowed. The Council also acknowledges that demolition of the garage and the part single and part 2 storey side and rear extension also has planning permission (application Ref. 15/2801).
 8. However, whilst the appellant seems to indicate that these extensions were constructed independently, the Council suggests that they were built at the same time and cannot therefore be considered under permitted development.
 9. Notwithstanding this, the Council argue that the hip to gable extension is out of character with the surrounding street scene. However, it has been accepted that by itself this element of the scheme is permitted development and could therefore be implemented in any event. Moreover, I have seen that hip to gable extensions are not uncommon along Holyrood Gardens and this has altered the original character of street somewhat. Consequently, the hip to gable extension at the appeal dwelling does not result in a significant change to the character and appearance of Holyrood Gardens, to the detriment of the street scene.
 10. However, whilst the hip to gable extension may have changed the character and appearance of the host property, it is not significantly out of keeping with the other semi-detached properties along the road which have also been extended in this way. Furthermore, the 2 storey side extension includes a hipped roof which is in keeping with the original roof style of the host dwelling and is consistent with the roof of the neighbouring dwelling and the dwelling to which the host property is attached.
 11. Whilst the Council's 'Altering and Extending Your Home' Supplementary Planning Guidance (SPG) states that hip to gable conversions will not generally be permitted, there may be exceptions. In this case, the hip to gable element is on the original roof of the dwelling, some distance from the boundary with the neighbouring property. It is not on the 2 storey extension and could also therefore be considered as an exception in accordance with the SPG.
 12. In considering the rear dormer window, I note that the SPG states that such additions should be no wider than half the width of the original roofplane, set down from the ridge by 0.3m and set up from the eaves by 0.5m.
 13. In this case, the dormer complies with the SPG in terms of its set down from the ridge and set up from the eaves. However, given its size, and the fact that

it extends across more than half the width of the roofplane, the dormer appears as a bulky addition to the rear of the property which dominates the roof. This would be the case even without the part single and part 2 storey side and rear extension.

14. However, I am also mindful of the Council's acceptance that the rear dormer would be permitted development without the part single and part 2 storey side and rear extension. Moreover, I have seen other examples of large rear dormers along this side of Holyrood Gardens. The appeal dormer does not therefore appear incongruous in the wider context as many other properties in the vicinity have dominant rear additions.
15. I acknowledge that the development as a whole increases the bulk of the property at the rear. However, this is not readily apparent from Holyrood Gardens and does not therefore adversely affect the character of the local street scene. Whilst views of the rear of the host dwelling can be had from some properties along Brinkburn Gardens, given the presence of rear extensions, hip to gable conversions and / or large flat roof rear dormer windows in the vicinity, the appeal dwelling is seen in this wider context and the extensions do not appear incompatible.
16. At the front, the hip to gable conversion is in keeping with other examples in the street and the 2 storey side extension is set back behind the front building line and has a lower ridge height to give the appearance of a subordinate addition to the host dwelling. It is a compatible addition to the property and does not appear as a discordant feature in the street scene.
17. Consequently, on balance I conclude that the development as a whole does not have a harmful effect on the character and appearance of the existing dwelling or the wider area. I find no conflict with Policy BE2 of the Brent Unitary Development Plan 2004 (UDP) which seeks, amongst other things, to ensure that proposals are designed with regard to their local context, do not harm the character or appearance of an area or have an unacceptable visual impact on Areas of Distinctive Residential Character. The development as a whole accords with Policy BE9 of the UDP which requires the scale, massing and height of a proposal to be appropriate to its setting and townscape location, and have attractive front elevations. Whilst it is my view that the rear dormer element dominates the roof at the rear of the dwelling, for the reasons given above, I consider that there are other material considerations which are sufficient to outweigh this conflict with Policy BE9 of the UDP.

Other Matters

18. I note some local concerns regarding the planning history of the site and the piecemeal nature of the development. However, given the context of the site and the other large rear and roof extensions along the street and in the vicinity, I do not consider that the development is harmful to the character and appearance of the area.
19. Whilst I also note concerns about the future use of the property as a House of Multiple Occupation, this is not a matter that is before me in the determination of the appeal and it cannot be instrumental in my decision.

Conclusion

20. I have had regard to the Council's suggested condition requiring the front garden of the host property to be 50% soft landscaped with hardstanding large enough to accommodate a single off-street parking space. However, the existing dwelling currently accommodates off-street parking and having regard to the advice in the National Planning Practice Guidance and the National Planning Policy Framework, I do not consider that this condition is necessary.
21. Given that the development has already been completed, I consider that no other conditions are required.
22. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Emma Tinsley-Evans

INSPECTOR