
Appeal Decision

Site visit made on 29 November 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 21 December 2016

Appeal Ref: APP/T5150/D/16/3161582

62 Lewgars Avenue, London NW9 8AS

- 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 and Mrs R Bhudia against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2575, dated 10 May 2016, was refused by notice dated 9 August 2016.
 - The development proposed is a first floor side to rear extension, loft conversion with rear dormers, side and front facing skylights and roof alteration to existing single storey rear extension. Garage conversion to habitable room.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council refused planning permission the Development Management Policies (DMP) have been adopted by the Council on 21 November 2016. While the Council consider Policies BE2, BE7 and BE9 of the Unitary Development Plan (UDP) have been incorporated into DMP Policy DMP1, Appendix 4 of the DMP confirms those UDP policies referred to in the decision notice have not taken forward as they are covered by national and London Plan policy.
3. The parties have been given the opportunity to comment on the policies in the DMP and outline whether its adoption changes their case. In my decision, I have had regard to the Council's view that Policy DMP1 of the DMP and Policy CP17 of the Core Strategy are relevant to their case.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site consists of an extended two storey semi-detached dwelling that is located at the junction of Lewgars Avenue and Slough Lane. Both 60 and 62 Lewgars Avenue benefit from two storey side and single storey rear extensions. Dwellings on Slough Lane to the north are set back from the highway which bends next to the appeal site. Consequently the appeal site is in a prominent and highly visible position. A number of dwellings in Lewgars Avenue, Slough Lane and Boycoft Avenue have been extended or altered. Changes include two
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- storey side extensions, hip to gable extensions, side and rear dormer windows and the insertion of roof lights into the front roof plane.
6. Supplementary Planning Guidance 5 Altering and Extending Your Home (SPG5) explains that *the ridgeline of the new extension should be set below the ridgeline of the original house to reduce its visual impact*. Although the document originates from 2002, it offers prescriptive guidance in respect of extensions and alterations to residential dwellings. I see no reason to discount SPG5 as a useful aid in considering whether the appeal scheme is acceptable.
 7. It is suggested that the existing extension leads to an incongruous and unbalanced relationship. However I do not concur that the appeal scheme would necessarily be replacing poor design with better design as per paragraph 9 of the National Planning Policy Framework (the Framework), given the proposed hipped roof would not be set down from the existing ridge line. Dwellings nearby which have two storey side extensions that are set down from the ridge line and even though there is some variety in terms of the depth of the set down, in doing so, the extensions harmonise with the host property.
 8. Due to the dwelling's highly visible and prominent corner location, the scale and massing of the side extension would not integrate with the host property due to the lack of a set down. The proposed roof form would also unbalance the semi-detached pairing, as No 60 has a two storey side extension that is set down from the original ridge line. Thus, the proposed hipped roof would not reinforce local distinctiveness or be an improvement in my opinion.
 9. Each dormer window would be set down from the ridge and set back from the eaves line. Even though each individual dormer window would not be greater than half the width of the original roof plane, their concentration and siting would mean they extend right across the rear roof plane. Despite their pitched roof design they would dominate the rear roof plane. While the previously mentioned planning permission includes a single dormer in the original rear roof plane, and permitted development rights could be used, they would have a less significant effect on the character and appearance of the area, unlike the proposed three dormer windows which would be prominent and highly visible.
 10. Roof lights are a common feature in the front roof planes nearby, but the proposal would conflict with SPG5 as it explains that two roof lights would be acceptable. However, I recognise the extant permission contains a single roof light, and permitted development rights¹ exist. Thus, I do not consider the proposed roof lights would be harmful to the character and appearance of the area. I also recognise SPG5 sets out that flat roofed or false flat roofs are unacceptable. However the proposal in this regard would have a limited effect upon the character and appearance of the area. Despite my findings on the roof lights and flat roof, these do not outweigh the impact of the appeal scheme in terms of the side extension and the dormer windows.
 11. The appellant considers that the appeal scheme is similar to a scheme granted planning permission in May 2016². Whilst the extant permission has not been built, it appears, based on the evidence before me that it could still be commenced on or before 6 May 2019. I have no reason to question or reason

¹ The Town and Country Planning (General Permitted Development) (England) Order 2016, Schedule 2, Part 1, Class C

² Council Application Ref: 16/0928

to suppose that there would be no reasonable prospect of it actually being carried out between now and then. Still, the appeal scheme is considerably different, in terms of the two storey extension's roof form, three dormer windows and three roof lights that would facilitate a larger loft conversion. The effect on the character and appearance of the area would therefore be very different, especially in terms of the hipped roof and dormer windows. On this basis, I consider the appeal scheme would be more harmful than the extant planning permission and it does not therefore represent a genuine fallback position that is of a sufficient justification to outweigh concern's regarding the character and appearance of the area.

12. For these reasons, I therefore conclude that the proposed development would significantly harm the character and appearance of the area. The proposal would not accord with Policy DMP1 of the DMP, Policy CP17 of the Core Strategy, SPG5 and paragraphs 9, 57 and 60 of the Framework. These policies and guidance seek, amongst other things, to achieve a high quality design that promotes or reinforces local distinctiveness to ensure the character and appearance of the area is retained.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR