

Appeal Decision

Site visit made on 21 December 2016

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 5 January 2017

Appeal Ref: APP/T5150/D/16/3157013

18 Sneyd Road, London NW2 6AN

- 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 N Shah against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1549, dated 14 April 2016, was refused by notice dated 15 July 2016.
 - The development proposed is a full width rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a full width rear extension at 18 Sneyd Road, London in accordance with the terms of the application, Ref 16/1549, dated 14 April 2016.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 20 Sneyd Road with regard to light and outlook.

Reasons

3. The proposal relates to a five metres deep, full width, rear extension with a flat roof. It has already been built. To one side, it extends only as far as the rear of the neighbouring dwelling. To the other side, its depth is more apparent. The Council suggests that it is out of scale with the dwelling when considered with the previous roof extensions. It suggests also that the increase in bulk fails to complement the proportions of the host dwelling.
 4. The extension has no prominence within the public realm and has very limited prominence in private views. It is of a form that is commonly accepted with regard to rear extensions, albeit that it has a 5 metres depth. The detailing and materials are of a high quality. Whilst the implications of its depth will be considered in relation to neighbouring amenity, I do not find that it results in harm to the character or appearance of the area or that it represents poor design in this respect. It does not conflict with the design requirements of Policies BE2 or BE9 of the Unitary Development Plan 2004 or Policy CP17 of the Core Strategy 2010. These policies generally accord with the design aspirations of the *National Planning Policy Framework* and should be afforded considerable weight.
-

5. The Council are concerned that the depth of the extension results in an unacceptable impact on the neighbouring residents of 20 Sneyd Road. The high side wall reduces the outlook from their rear facing window and also reduces direct sunlight in the afternoons. It also encloses the area of garden immediately to the rear of the house.
6. The Council's Supplementary Planning Guidance: Altering and Extending Your Home 2002 (SPG) accepts extensions up to 3 metres deep and three metres high. A reduction in light and outlook would result from a rear extension of those dimensions. Although the form of the existing addition reflects that encouraged by the guidance, it would be more imposing because of its greater depth and marginally greater height. This greater impact results in some conflict with part (e) of Policy BE9 which promotes the amenity of existing residents. I also find conflict with the requirements of the SPG.
7. The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A, accepts rear extensions of up to 3 metres deep and 4 metres high. It currently also accepts, in certain circumstances, extensions of up to 6 metres deep. This is dependent on no objection being received from neighbouring residents. The adjacent residents have been consulted with regard to a 5 metres deep extension along the party boundary twice and no objection has been received on either occasion. I am satisfied that the *Order* acknowledges that the impacts of such extensions are acceptable in these particular circumstances and that the adjacent residents do not object to the addition that has been built.
8. The appellant has followed the prior notification process and has also obtained a lawful development certificate which establishes that an extension with the same dimensions as that already built, with regard to the critical side boundary, could be erected. It would not be as wide as the extension now being considered but that difference would not alter, in any way, the impact on the residents of 20 Sneyd Road. The lawful extension would represent a fall-back position which would have a high likelihood of being exercised as it would provide the bulk of the accommodation that is provided by the existing development.
9. I afford considerable weight to Policy BE9(e) as it accords with the amenity objectives of the *Framework*. However, given the clear fall-back position, the likelihood of it being implemented and the lack of any objection from the residents of 20 Sneyd Road, I conclude that in these particular circumstances, there are considerations that are sufficient to outweigh the harm that would result to the living conditions of the neighbouring residents; and the conflict with the development plan and the SPG. I therefore allow the appeal. I have not imposed conditions as the works are complete and are satisfactory.

Peter Eggleton

INSPECTOR