

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: 6 January 2017

Appeal Ref: APP/T5150/D/16/3160850

14 Abercorn Gardens, Harrow HA3 0PB

- 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 Menon against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/3273, dated 25 July 2016, was refused by notice dated 19 September 2016.
 - The development proposed is a glazed roof canopy attached to the rear of the property.
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Decision

1. The appeal is dismissed.

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 12 and 16 Abercorn Gardens with regard to light and outlook.

Reasons

3. The proposal would result in a low-level roof canopy that would extend across almost the full width of the rear of the property. It would be attached to the rear ground floor extension. The neighbouring property, 16 Abercorn Gardens, has no rear extension and as such the proposal would add the 3.5 metres depth of the canopy to the existing 3.5 metres deep extension. The other neighbour, number 12, has an extension of similar depth and as such only the canopy would extend beyond its rear building line.
 4. The Council has raised concerns with regard to the appearance of the canopy. It would be a lightweight structure with a glazed roof. It would appear as a lean-to to the rear extension and would represent a domestic adjunct to the property. I consider that the works would sit satisfactorily against the existing building and would not be visually dominant. It would not be visible from the public domain and would have only a limited prominence in private views. I am satisfied that it would not harm the character or appearance of the area.
 5. The roof of the canopy would be a relatively dominant feature when within the neighbouring rear garden of 16 Abercorn Gardens and when viewed from its nearest rear facing windows. These appear to provide the principle outlook from the rear of the dwelling. It would not have the same impact as an
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extension with solid flank walls but the position and extent of the roof would nevertheless be clearly evident. Its proximity to the boundary would result in it being overly dominant when within the immediately adjacent garden. Although the impact on light levels would be limited because of the aspect, the presence of the existing structure and the materials, the reduced outlook from the rear windows and garden would unacceptably harm the living conditions of the residents of number 16.

6. The other neighbouring property, 12 Abercorn Gardens, has a more open aspect. Because the rear of the properties face east there would be little change with regard to light. The nearest rear facing window does not provide the principle outlook to the rear and the open sides of the structure would limit the impact on the outlook from this combined window and door unit. However, the structure would be a dominant feature when within the immediately adjacent area of garden. It would be overly dominant, despite its glazed roof.
7. Overall, the addition would not conflict with the design elements of Policies BE2 or BE9 of the Unitary Development Plan 2004 or Policy CP17 of the Core Strategy 2010. However, as the canopy would be overbearing because of its depth and proximity to the boundaries, it would conflict with section (e) of Policy BE9 with regard to the loss of outlook. These policies generally accord with the design and amenity requirements of the *National Planning Policy Framework* and I afford them considerable weight.
8. The Council's Supplementary Planning Guidance: Altering and Extending Your Home 2002 only accepts extensions that are up to 3 metres deep. Although this is not a structure anticipated by the guidance, it represents a further addition to the dwelling, albeit with a more limited impact. Given the combined scale of the additions, I find no support for the proposal from this document.
9. I have considered all the matters put forward by the appellant including the more effective use of the outside area of the property and the lack of objections from the neighbouring residents. Whilst these matters provide weight in favour of the proposal, they are not sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR