
Appeal Decision

Site visit made on 7 December 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/T5150/D/16/3158846

146 Randall Avenue, Brent, London NW2 7SY

- 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 Alisson Teixeira against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/0949, dated 3 March 2016, was refused by notice dated 26 August 2016.
 - The development proposed is described as erection of a basement under previously approved single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a basement under a single storey rear extension at 146 Randall Avenue, Brent, London NW2 7SY in accordance with the terms of the application, Ref 16/0949, dated 3 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 146RA/OS, 146RA/01, 146RA/02, 146RA/03 and 146RA/04.
 - 3) The materials to be used in the construction of the external surfaces of the single storey rear extension hereby permitted shall match those used in the existing building.

Procedural Matters

2. In December 2015 the Council confirmed that prior approval was not required for the single storey rear extension shown on the submitted plans (Ref 15/4898) and a Certificate of Lawful Development was subsequently issued for the extension in February 2016 (Ref 15/5531). In determining the appeal I have had regard to these decisions and to the fallback position.
 3. The description of development used in the heading above has been taken from the planning application form. However in allowing the appeal I have amended the description slightly to remove reference to the single storey rear extension being previously approved as this is not a description of development.
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Main Issues

4. The main issues are:

- the effect of the proposal on the living conditions of the occupiers of neighbouring properties having regard to outlook and light;
- the effect of the proposal on the character and appearance of the host property and the surrounding area;
- if harm is identified, whether there are any other material considerations to outweigh the harm.

Reasons

Living conditions

5. The appeal site comprises a two storey end of terrace dwelling. It adjoins another similarly scaled dwelling at 144 Randall Avenue. At the time of my visit there was a partially constructed single storey rear extension at No 144 containing two openings in the rear elevation but none in the side elevation facing No 146. A driveway separates the appeal site and the dwelling at 148 Randall Avenue. No 148 also has a single storey rear extension containing no windows in the side elevation facing the appeal site.
6. The depth of the proposed single storey rear extension means that it would extend beyond the rear elevations of the neighbouring extensions at Nos 144 & 148. The depth and proximity of the proposed extension to the rear elevation and side boundary of the rear garden of No 144 means that the outlook from the house and garden at No 144 would be significantly adversely affected by the proposed rear extension. However I do not consider that the extension would have a significant adverse effect on the light received by the dwelling and garden at No 144 having regard to the limited height of the proposed extension and the relative orientation of the two properties. The distance between the proposed rear extension and the dwelling and garden at No 148 means that I do not consider that the rear extension would have a significant impact on the outlook from or the light received by either the dwelling or garden at No 148.
7. The Council did not consider that the proposed basement would have any adverse impact on the living conditions of neighbouring occupiers and having regard to the position and nature of the basement extension, I agree with their findings on this issue.
8. Taking the above matters into consideration, I conclude that the proposal would have an adverse effect on the living conditions of the occupiers of neighbouring property having regard to outlook. It is therefore contrary to the development plan and in particular Policy BE9 of Brent's Unitary Development Plan (UDP) and to guidance contained within SPG5 Altering and Extending your Home (2002) insofar as they relate to living conditions. This policy and guidance require extensions, amongst other things, to provide a satisfactory level of outlook for existing residents.

Character and appearance

9. As stated, the appeal site comprises a two storey end of terrace dwelling adjoining and surrounded by dwellings of a similar scale and design. At my

visit I noted that a number of nearby dwellings have single storey rear extensions including the adjoining dwelling at No 144 and the adjacent dwelling at No 148. These existing rear extensions are of varying depths and designs.

10. Though the proposed rear extension would extend across the full width of the host building and would have a depth of 6m, the modest height of its flat roof together with its simple design means that I do not consider that it would be out of scale with or harmful to the character and appearance of the host building. The extension would be located at the rear of the host building and would not therefore be prominent or visible from the road. Though it would be visible from neighbouring gardens, it would be viewed in the context of surrounding development which includes various examples of single storey rear extensions. Having regard to the scale of the rear extension and the size of the host building and existing rear garden, I do not consider that the proposal would involve overdevelopment as I consider that sufficient amenity space would remain following the proposal.
11. In reaching my decision I have had regard to the fact that the Council's SPG5 states that the maximum depth permitted for single storey rear extensions to terraced houses is 2.5m. However, for the reasons stated I consider that in this case a depth greater than 2.5m is acceptable and would not be harmful to the character and appearance of either the host building or the surrounding area.
12. Taking the above matters into consideration, I conclude that the proposal would not adversely affect the character and appearance of the host building and the surrounding area. It therefore accords with policies BE2 and BE9 of the UDP insofar as they relate to character and appearance. These policies seek, amongst other things, to protect the character and appearance of the area within which development is taking place.

Other material considerations and the fallback position

13. In determining applications 15/4898 and 15/5531 the Council has confirmed that planning permission is not required for the erection of the single storey rear extension as shown on the submitted plans. From the evidence it appears that the appellant could erect the rear extension without planning permission and then subsequently apply for planning permission for the basement. In determining the application that is the subject of this appeal the Council raised no objections to the basement element of the proposal.
14. Under the circumstances I agree with the appellant that it would be unrealistic to firstly construct the rear extension and then the basement as this would involve additional construction works. Notwithstanding this I am satisfied that there is a real possibility that the rear extension would be constructed and as such I give the fallback position significant weight. As the fallback position is for an identical rear extension to that forming part of the proposal, the harm to living conditions resulting from the fallback position and the proposal would also be identical. Consequently though the proposal is contrary to the development plan and would have an adverse impact on the living conditions of the occupiers of No 144 having regard to outlook, in this case I consider that the significant material consideration of the fallback position justifies development not in accordance with the development plan.

Conditions

15. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring the rear extension to be constructed from materials to match the existing dwelling. This is in order to protect the character and appearance of the host building and the surrounding area.

Conclusion

16. For the above reasons and having regard to all matters raised, I hereby conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR