
Appeal Decision

Site visit made on 24 January 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/T5150/W/16/3160509
59 Park View, Wembley, Brent HA9 6JZ

- 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 Mr Kaneshalingham Vijayakanthan against the Council of the London Borough of Brent.
 - The application Ref 16/0826, is dated 22 February 2016.
 - The development proposed is a single storey rear extension of 4m.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension of 4m at 59 Park View, Wembley, Brent HA9 6JZ in accordance with the terms of the application, Ref 16/0826, dated 22 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plan, P2C017-002; Existing Elevations, P2C017-001; Existing Floor Plan, P2C017-003; and Proposed Floor Plans and Elevations, P2C017-0002B.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be block with a rendered finish to match the existing building.

Procedural Matters

2. The application proposed a loft conversion and a single storey rear extension of 4m. However, during the course of the application process it was formally amended to remove the loft conversion from the proposed development. A revised drawing Ref, P2C017-0002B was submitted showing only the proposed single storey rear extension of 4m, and the description used in the banner heading above reflects the revised submission. The Council's statement of case is based on the revised appeal proposal as shown on drawing ref, P2C017-0002B, I have therefore considered the application on this basis.
 3. The Council has stated that had it been in a position to determine the application, it would have refused planning permission for the following reason:
"The proposed single storey extension by reason of its excessive depth and proximity to the shared boundary, and rear facing habitable windows of
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neighbouring properties, would have a detrimental impact on the amenity of neighbouring occupiers in terms of loss of outlook and as well as being generally overbearing. This is contrary to Policy DMP1 of the Development Management Policies 2016 and Supplementary Planning Guidance No.5."

4. I noted on my visit to the site that a single storey rear extension has been substantially completed on the rear of this property. The extension as constructed varies considerably in its appearance and form from this appeal proposal. It is greater in its width and height, displays a mono pitch roof and has a different fenestration arrangement. However, this unauthorised extension is not for my consideration and has had no bearing on my decision which I have taken having sole regard to the proposals shown on drawing ref, P2C017-0002B. Whilst I understand the Appellant's frustration at the Council's failure to determine their application, to proceed with works in the absence of any formal grant of planning permission was to do so at their own risk.

Main Issue

5. The main issue in this case is the effect on the living conditions of neighbouring residents, with particular regard to outlook.

Reasons

6. No 59 Park View is a mid-terraced property as a consequence of a new dwelling having recently been constructed abutting its former gable wall. The appeal proposal would extend across almost the entire width of No 59's rear elevation and would be single storey with a flat roof. Drawing Ref, P2C017-0002B shows that the extension would be 2.5 metres (m) in height and extend to a depth of 4m.
7. The Council's Adopted Supplementary Planning Guidance, Altering and Extending Your Home, 2011 (SPG5) advises that the maximum depth permitted for single storey rear extensions on terraced houses is 2.5m, and the maximum height permitted for a flat roof is 3.0m. However, the Council has advised that the maximum depth set out in SPG5 has been amended to 3.0m to reflect subsequent permitted development allowances.
8. The adjoining properties both have habitable room windows at ground floor level within their rear elevations which are positioned less than a metre away from of their common boundary with the appeal site. At the time of my visit there was no boundary treatment between the appeal site and No 59A, whilst a substantial block wall had been constructed along the sites common boundary with the rear garden of No 57.
9. Although I was not able to verify the height of the boundary wall, I am aware that it would be possible to construct a means of enclosure, up to a height of two metres along this boundary without the need for planning permission, as well as along the sites common boundary with the rear garden of 59A. The height of the proposed single storey extension is shown as 2.5m, and consequently the extent to which the extension would be visible above a two metre high means of enclosure would be limited.
10. It is clear that the depth of the proposed extension would not comply with the advice set out in SPG5 for single storey rear extensions on terraced properties. However, the extension would have a flat roof and so despite it

extending to a depth of 4m, less than a metre of the proposed extension's side wall would be visible above a 2m high boundary fence/wall from the neighbouring residents rear facing windows. Furthermore, it would be possible to build an extension under permitted development rights up to 3m deep in this location, and up to 3m in height. Such an extension would have the very same limited impact as the first three metres of the proposed extension which would be less than 3m in height. I do not consider that an additional one metre in depth of extension would have a significant overbearing impact or materially harmful effect on the outlook from the neighbouring property's rear windows.

11. I therefore conclude that the proposed development would not have a harmful effect on the living conditions of neighbouring residents, with particular regard to outlook. Despite technical breaches of SPG5, the site specific circumstances of this case mean that the proposal would still comply with the overall amenity aims of Policy DMP1 of Brent's Development Management Policies, Development Plan Document, 2016 which seeks to ensure that new development provides, amongst other things, high levels of internal and external amenity and complements the locality.

Conclusion

12. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed, subject to a condition specifying the approved plans, as this provides certainty. A condition is also necessary to specify the materials of external construction to safeguard the character and appearance of the area.

Elizabeth Pleasant

INSPECTOR