
Appeal Decision

Site visit made on 29 November 2016

by Paul Dignan MSc PhD

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

Decision date: 9 February 2017

Appeal Ref: APP/T5150/W/16/3156713

294 Tokyngton Avenue, Wembley, HA9 6HH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Sayantina Kandasamy against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2333, dated 2 June 2016, was refused by notice dated 14 July 2016.
 - The development proposed is a single storey rear extension to dwelling house.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension to dwelling house at 294 Tokyngton Avenue, Wembley, HA9 6HH in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Reasons

2. The appeal concerns a proposed single storey rear extension to 294 Tokyngton Avenue, a 2 storey end of terrace house. The extension would extend 6m from the rear of the original dwelling. An existing extension and attached conservatory would be demolished. In total these extend some 5.5m from the rear wall of the original dwelling. Until 30 May 2019, Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits the enlargement of a non-detached dwellinghouse by the erection of a single storey extension that extends no more than 6m from the rear of the original dwellinghouse, subject to certain conditions. Amongst these is the requirement to provide details to the local planning authority before commencement, who in turn must notify neighbours. Where a neighbour objects, the prior approval of the local planning authority is required. The local planning authority must then assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. In this case the neighbour to the west objected, hence prior approval was required. The Council concluded that the amenity of that property would not be materially harmed. That is not surprising as that property has been extended in
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a similar manner to the appeal property, and it is very unlikely that the additional 0.5m of built form would cause any noticeable loss of light or outlook.

3. However, prior approval was refused on the basis of harm to the living conditions of the occupiers of the property on the other side, No. 292, in terms of loss of outlook and overbearing impact on the house and its garden. This property has not been extended to the rear, and has a patio area just outside the back door, which can be considered to be an important area in terms of residential amenity, notwithstanding that the garden itself is a good size. However, No. 292 also being end-of-terrace, there is a reasonable gap between the dwellings, including a gap between the boundary fence and the proposed extension. Bearing in mind the presence of the existing extensions to the appeal property, and their likely effect on the outlook from the rear of the house and the patio area outside, I consider that the relatively small increases in depth and height towards the far end of the proposed extension would not have a significant detrimental effect in terms of outlook, nor would the proposed extension appear unduly overbearing from the garden area generally.
4. I conclude accordingly that the proposed extension would not materially harm the amenity of neighbouring properties, and it follows that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Paul Dignan

INSPECTOR