
Appeal Decision

Site visit made on 10 January 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 10th February 2017

Appeal Ref: APP/T5150/D/16/3164263
8 Park Close, London NW2 6RQ

- 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 Kevin Abu against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2592, dated 15 June 2016, was refused by notice dated 19 October 2016.
 - The development proposed is the construction of first addition to expand the size of bedroom 3 in order to accommodate a new bathroom.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of first addition to expand the size of bedroom 3 in order to accommodate a new bathroom at 8 Park Close, London NW2 6RQ in accordance with the terms of the application, Ref 16/2592, dated 15 June 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: Location Plan scale 1:1250, 1 of 9, 2 of 9, 3 of 9, 4 of 9, 5 of 9, 6 of 9, 7 of 9, 8 of 9 and 9 of 9.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. Following the refusal of the application, the Council has since adopted the London Borough of Brent Local Plan Development Management Policies (DMP) 2016. The Council confirms that Policies BE2, BE7 and BE9 of the London Borough of Brent Unitary Development Plan (UDP) 2004 referred to in the decision notice have been superseded by Policies DMP1 and DMP7 of the DMP and Policies 7.4, 7.5 and 7.6 of the London Plan 2016.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the host dwelling and the surrounding area; and, the effect of the development on the living conditions of the occupants of the neighbouring residential property, No 10 Park Close, with regard to outlook.
-

Reasons

Character and Appearance

4. Park Close is a residential street that comprises detached dwellings with driveways to the front and large gardens to the rear. Due to the topography of the Close, the land level of each dwelling steps up from the last. The dwellings follow a similar architectural style, with many having had various additions. Whilst the dwellings are close to each other, their set back position, large rear gardens and generally low level front boundary treatment provide a sense of openness to the area.
5. The appeal property has an existing ground floor side and rear extension. In addition, the property has had a hip to gable extension and a large dormer extension has been constructed in the rear of the roof to provide accommodation in the roof space.
6. The proposed extension would sit above part of the existing ground floor extension, projecting off the original rear elevation of the dwelling. Given its position, public views of it would be very limited to oblique views from the road. Nevertheless, it would be visible from neighbouring properties.
7. The roof of the extension would be attached to the existing dormer extension. Whilst it is not a typical design feature of the area, given the relatively small size of the extension and that it would reflect the scale and proportions of the host dwelling, I do not find that it would represent a significantly harmful addition. Although the culmination of the hip to roof extension, dormer extension and proposed extension would result in a significant expansion of the original roof, this would not be out of character with other properties in the Close which have been extended, in particular those that appear to have had two-storey side extensions.
8. I find therefore that the proposal would not significantly harm the character and appearance of the host dwelling or the surrounding area. As such, it complies with Policies DMP1 of the DMP and CP17 of the London Borough of Brent Core Strategy (CS), which, amongst other matters, seek to ensure that development complements the locality and protects and enhances the suburban character of the Borough. Furthermore, it would comply with the Council's Supplementary Planning Guidance Note 5: Altering and Extending Your Home (SPG5), which provides guidance on residential extensions. In addition, it would also accord with Policies 7.4, 7.5 and 7.6 of the London Plan 2016, which seek to ensure that development is of a high quality design and makes a positive contribution to the streetscape.
9. The Council also rely on Policy DMP7 of the DMP. However, this policy relates to heritage assets. There is no evidence to suggest that the proposal would affect a heritage asset. As such, this Policy is not relevant.

Living Conditions

10. The Council's SPG5 provides detailed guidance for two-storey rear extensions. This includes a 1:2 rule, whereby the depth of any extension is restricted to half the distance between the side wall and the middle of the nearest window of a habitable room in neighbouring properties. The purpose of the rule is to ensure that the loss of amenity and light to neighbouring properties is kept within reasonable limits.

11. The Council confirm that the proposal would not breach this rule in respect of the nearest habitable window in the rear elevation of No 6 Park Close. I find no reason not to concur with this view. With regard to No 10 Park Close, there is a habitable window, the centre of which would be approximately 3.4m from the proposed first floor extension. In order to satisfy SPG5, the projection of the extension would have to be no more than 2.9m. With a projection of 3.4m the proposal would fail to accord with the 1:2 rule.
12. However, the Council's case appears to be based on a blanket application of the 1:2 rule and lacks any analysis of the site-specific circumstances to ensure its appropriateness in this instance. There is no examination of the extent of potential overbearing effect or the harm that might arise from it. It is taken as read that an overbearing effect would arise.
13. Although it would exceed 2.9m, I consider that it would only be a relatively minor breach and the depth of the extension would not be excessively large. No 10 has a rear ground floor extension which sits on the boundary with the appeal property. Therefore, the proposal would not be visible from ground floor windows in No 10. In addition, the difference in ground levels would reduce any effect it would have on the outlook from the neighbouring first floor window at No 10. Overall, although finely balanced, I consider that sufficient outlook from No 10 and its garden would be retained and it would not create a sense of enclosure.
14. I find therefore that the proposal would not have any significant harm on the living conditions of the occupants of neighbouring properties with regard to outlook. As such, it complies with Policies DMP1 of the DMP and 7.4, 7.5 and 7.6 of the London Plan 2016, which seek to protect residential amenity.

Conditions

15. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area a condition regarding materials is also necessary.

Conclusion

16. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR