

Appeal Decision

Site visit made on 24 January 2017

by David Walker MA MRTPI

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

Decision date: 16th February 2017

Appeal Ref: APP/T5150/W/16/3159733
29 Belton Road, London NW2 5PD

- 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 Kanesh Dewarajah against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/3152, dated 20 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is a 3.5m rear single storey extension and internal changes.
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Decision

1. The appeal is allowed and planning permission is granted for a 3.5m rear single storey extension and internal changes at 29 Belton Road, London NW2 5PD in accordance with the terms of the application, Ref 16/3152, dated 20 July 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 plan: P2C029-001.
 - 3) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

Preliminary Matters

2. It has been confirmed during the appeal that the appellant is as stated above. Having regard to the ownership details supplied with both the application and appeal forms I am satisfied that this change does not materially alter the application.
3. The Council has confirmed that it has adopted the Brent Local Plan Development Management Policies (the DMP). This document supersedes the Brent Unitary Development Plan 2004 referred to in the decision notice. I have determined the appeal in the light of the policies of the DMP.

Main Issues

4. The main issues in the appeal are the effect of the proposal on: the character and appearance of the area, and the living conditions of future occupants having regard to the suitability of the external living space and outlook that would be provided.
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Reasons

5. The proposal would extend to fill most of the small garden of the host property resulting in some loss of the openness that exists at present. However, built form around both sides and the rear of the garden already provides a substantial encroachment at this part of the terrace.
6. Although the proposal would not accord with the limits set out within the Council's planning guidance¹ the specific conditions of the site amount to special circumstances justifying a departure in this instance. At a single storey in height and with a flat roof the extension would not appear out of scale in this context. In relation to character and appearance therefore, the partial infilling of the small garden would not be harmful given the lack of openness I have identified.
7. The very small outside space that would be left by the extension would be virtually unusable for external living. However, the poor quality of the existing outside space is unlikely to be attractive to occupants in its current dark and enclosed form. The loss of an inadequate outside space would not therefore be harmful to living conditions and a small area would remain for outside storage or clothes drying.
8. Two of the resulting bedrooms would rely upon an existing lightwell shared with the adjoining property as the only source of natural light and outlook. It would be a poor arrangement but scarcely any worse than the poor outlook and light available to the existing bedrooms. The benefits to the appellant of the additional accommodation that would be provided would clearly outweigh any limited harm that may arise. I am satisfied therefore that the proposal would result in suitable living conditions for future occupants in relation to the external living space and outlook that would be available.
9. Overall, I conclude that the proposal would accord with the internal and external amenity requirements of Policy DMP 1 of the DMP, and the protection of the distinctive suburban character of Brent of Policy CP17 of the Brent Core Strategy 2010. The appeal being allowed, conditions are necessary to identify the implementation period and the approved plan, in the interests of certainty, and matching materials to ensure a satisfactory development in relation to the visual interests of the area.

Conclusion

10. For the reasons given above, with regard to the development plan read as a whole, I conclude that the appeal should be allowed subject to conditions.

David Walker

INSPECTOR

¹ Supplementary Planning Guidance No 5 - Altering and Extending Your Home, 2002