
Appeal Decision

Site visit made on 31 January 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/T5150/W/16/3157933
35 Imperial Way, Harrow HA3 9SR

- 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 Rajan Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2084, dated 17 May 2016, was refused by notice dated 25 August 2016.
 - The development proposed is full planning permission seeking demolition of existing single-storey side and rear extension and erection of attached two-storey building to form self contained house with front porch, sub-division of rear garden and widening of existing drop kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description given in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the living conditions of the occupiers of 35 Imperial Way with particular regard to outlook.

Reasons

Character and Appearance

4. The appeal site comprises a two-storey, semi-detached dwelling located on the corner of Imperial Way and Belvedere Way. The surrounding area is characterised by a uniform rhythm of semi-detached properties of similar width located on spacious plots. Generous gaps between the semi-detached pairs contribute towards an area of open, suburban character.
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5. Given the corner plot location of the appeal site, it has a larger than average side and rear garden. As with other corner plots in the area, this creates a greater sense of openness which positively contributes towards the prevailing character of the street scene. In addition, the property itself forms a cohesive pair with 33 Imperial Way which is reflective of the prevalent pattern of development in the area.
6. It is proposed to remove the existing single storey storage and utility room to the side and rear of the property. A new two-storey, three bedroom dwelling would be attached to the side of the existing property.
7. I note the proposal would not block long distance views of any particular importance. However, whilst the front elevation of the property would be in line with the front of the host dwelling and the fenestration and architectural detailing would reflect that of the existing property, the new dwelling would nevertheless be significantly narrower than the existing property and surrounding dwellings. In addition, the ridgeline of the property would be set at a lower level.
8. Moreover, given the proposed detailing and fenestration of the front elevation, including the provision of a porch and front door, the proposal would not appear as a particularly uniform extension of the existing building. Consequently, the proposal would create a distinct terrace of three dwellings. This would be in stark contrast to the prevailing rhythm and pattern of semi-detached pairs which characterise the area.
9. Furthermore, the proposed dwelling would be set around 0.8m from the footpath to the side and would have a depth around 3m in excess of the existing dwelling. The proposal would also effectively split the existing plot of No 35 in half. Both properties would therefore have gardens which are considerably smaller than surrounding properties and the dwellings would occupy a greater proportion of the plot. Thus the proposal would result in a significant erosion of the open character of the corner plot and its contribution to the wider area.
10. I note that No 37 has been extended substantially to the side, such that it has significantly closed the gap between the property and the highway. However, I understand the extension at No 37 was undertaken some time ago and allowed under a differing policy context. In addition the extension appears in contrast to the prevailing character of the area rather than symptomatic of it. To that end, the extension at No 37 is not necessarily a feature of the street scene that would be desirable to reflect nor does it in itself justify the harm arising from the appeal proposal.
11. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. As a consequence, it would conflict with Policies BE2, BE7 and BE9 of the London Borough of Brent Unitary Development Plan 2004 (UDP) which state that proposals should make a positive contribution to the character of the area, should provide high quality design and should be of an appropriate scale, massing and height.
12. It would also conflict with Policy CP17 of the Brent Core Strategy 2010 which states that development of garden space with out-of-scale buildings that do not respect the settings of existing dwellings will not be acceptable.

Living Conditions

13. The proposed dwelling would adjoin the side elevation of the appeal property, 35 Imperial Way. No 35 has windows in the ground floor rear elevation which serve a kitchen and a lounge. There is no concern from the Council that the proposal would result in a loss of light or privacy for the occupiers of No 35. On the evidence before me I have no reason to disagree.
14. Nevertheless, the Brent Design Guide for New Development Supplementary Planning Guidance 2001 (SPG17) states at paragraph 3.2 that where proposed development adjoins a private garden, the height of the new development normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. The Brent Altering and Extending Your Home SPG 2002 (SPG5) states at paragraph 3.4 that two-storey rear extensions may be allowed where they adhere to the 1:2 rule which indicates that the depth of such an extension must be half the distance from the side wall of the extension to the centre line of the nearest neighbouring window.
15. The proposed property would extend beyond the rear elevation of No 35 around 3m at ground floor and also around 2m at first floor. I consider that the large expanse of largely unrelieved built form in close proximity to the kitchen window would result in a dominant and overbearing presence in the outlook from No 35. The proposal would also fail to accord with the 45 degree guidance set out in SPG17 and the 1:2 ratio guidance set out in SPG5, albeit I recognise the latter is aimed at two storey extensions rather than new dwellings.
16. The appellant indicates it is common to find attached and semi-detached dwellings with 3m rear extensions on the boundaries of adjoining properties and that at ground floor, the depth of the dwelling would be in line with the general pattern of extensions allowed under permitted development rights. However, such provisions relate to extensions to existing dwellings, rather than the creation of new dwellings. The appellant also indicates that the extent of the first floor projection would be in line with the Council's policy for first floor rear extensions however, I have not been provided a copy of such a policy. In any event, such matters would not outweigh the harm I have identified.
17. I note that there is an existing side and rear extension at the property of greater depth and closer proximity to the kitchen window than the proposed dwelling would be. However, that extension is at ground floor only and forms part of the property, in contrast to the two-storey projection of a separate dwelling that is proposed here.
18. The appellant has also indicated that the ground floor internal layout of the existing property could be altered to merge the kitchen into a large open plan living area with windows to the front and rear elevations. However, the window in question would remain and would still offer residents of No 35 an outlook from the living space within the rear of the property. Consequently, such alterations would not in my view sufficiently negate the harm arising from the appeal proposal. A condition to that effect would not therefore be necessary.
19. The appellant has also made representations to the effect that the existing property could be extended to the rear under permitted development rights which would negate the effect of the proposed dwelling on the outlook from the

rear windows. However, there is no indication that there is a reasonable prospect of such an extension being constructed nor is there any evidence that such a fallback position is actually available or lawful. Consequently, I afford the matter little weight.

20. I conclude, therefore, that the proposal would have a harmful effect on the living conditions of the occupiers of 35 Imperial Way with particular regard to outlook. As such, the proposal would conflict with policies BE2 and BE9 of the UDP which state that development should have regard to its local context and should provide a satisfactory level of outlook for existing residents.

Other Matters

21. I note the relatively sustainable location of the appeal site and the contribution it would make towards boosting the supply of housing in the area. However, the benefits of 1 additional dwelling would be relatively limited and would be outweighed by the harm arising to the character and appearance of the area and the living conditions of the occupiers of 35 Imperial Way.
22. I note that the proposal would provide a satisfactory standard of accommodation for future residents, would not have a harmful effect on highway safety and would embrace the principles of sustainable design and construction. However, the lack of harm in respect of such matters would not outweigh the harm which I have identified in respect of the main issues above.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR