

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/16/3163782

4a Buchanan Gardens, London NW10 5AE

- 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 Mark Castro against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1591, dated 14 April 2016, was refused by notice dated 7 July 2016.
 - The development proposed is single storey rear/infill extension and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of the ground floor flat at 2 Buchanan Gardens with particular regard to light and outlook.
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

3. This appeal relates to the ground floor of a two-storey property. The property has an original, two-storey rear outrigger which is paired with that of the adjoining property, 6 Buchanan Gardens. The appeal property has a small yard area between the outrigger and the shared boundary with 2 Buchanan Gardens. No 2 similarly has a small yard area between the boundary and its rear outrigger. It is proposed to erect a single storey extension which would project from the rear of the outrigger and would infill most of the yard area between the appeal property and the boundary with No 2.
 4. The Council's Altering and Extending Your Home Supplementary Planning Guidance 2002 (SPG5) states that single storey or infill extensions to the side of two-storey rear outriggers should not be permitted. The Council, however, indicates that it has recently revised that guidance to allow such extensions where they meet certain parameters, although the status of such guidance is not indicated. Nevertheless, I see no reason why the revised guidance should not be given due consideration.
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5. The guidance indicates that such extensions should terminate at the rear elevation of the outrigger, should have a sloped roof (flat roofs will not be permitted), and where they extend up to the boundary, should have a height no greater than 2m on the boundary. In contrast to the guidance, the extension would have a height of around 3m with a flat roof. Moreover, it would have a depth of around 9.35m in total, with a 3m projection beyond the rear outrigger of the appeal property and that of No 2.
6. I note that a courtyard would be created directly in front of the ground floor windows in the side elevation of No 2 which serve a kitchen and a bathroom. However, the extension would extend up to the boundary wall and would be in close proximity to those windows in the side elevation of No 2. In addition, whilst I note the extension would be offset from the rear wall of the neighbouring property, it would nevertheless be in close proximity to the window in the rear elevation of the two-storey outrigger of No 2 which serves a bedroom.
7. The proposal would therefore result in a large expanse of generally unrelieved built form in significantly close proximity to the habitable windows within the ground floor flat at No 2. As a result, the proposal would appear unduly overbearing to neighbouring occupiers when viewed from those windows.
8. I recognise that the windows of No 2 already receive limited levels of sunlight and daylight. However, the scale, orientation and proximity of the extension to the neighbouring property would be such that it would likely result in a material reduction in the existing levels of direct sunlight on an afternoon and evening to those habitable windows, as well as natural daylight throughout the day. Consequently, the proposal would likely result in a harmful loss of light for the occupiers of No 2.
9. Whilst my findings contrast with those of the Inspector in a recent appeal decision at 28 Plympton Road, London¹, I have limited detail of the circumstances of that case so cannot be sure that they are comparable to this appeal. In any event, I have considered this appeal on its own merits.
10. The Council has no concerns with the element of the extension which would solely project from the rear of the two-storey outrigger. I see no reason to disagree, however, that element of the extension is intrinsically linked in design and function to the infill element and the two elements are not realistically severable.
11. I conclude, therefore, that the proposal would have a harmful effect on the living conditions of the occupiers of the ground floor flat at 2 Buchanan Gardens with particular regard to outlook and light. As such, it would conflict with Saved Policies BE2 and BE9 of the Brent Unitary Development Plan 2004 (UDP) which state that proposals should have regard to local context and provide a satisfactory level of light and outlook for existing residents. It would also conflict with the guidance set out in SPG5.

Character and Appearance

12. The appeal site is located in an area which is predominately residential in character, defined by a grid like pattern of long, linear terraced streets. The appeal relates to the ground floor of a two-storey, terraced property which has

¹ APP/T5150/W/16/3147522

been subdivided into flats. The property has an original, two-storey outrigger to the rear which is paired with that of the adjoining property, 6 Buchanan Gardens. There is a regular pattern of paired outriggers along the rear of the terrace. To the rear the appeal site backs onto the gardens of Herbert Gardens. To the east of the property are the more spacious gardens of the larger properties located on College Road.

13. The proposed extension would have an overall depth of around 9.35m with a width of around 4.5m. It would therefore cover a considerable proportion of the rear garden and result in a considerable increase in the overall footprint of the ground floor. In addition it would have a flat roof with a height of around 3m. It would, consequently, fail to appear subordinate to the original dwelling.
14. Nevertheless, whilst the proposal would undoubtedly add considerable bulk to the property, it would not be widely visible within the public realm. Moreover, views from the gardens and windows of neighbouring properties would be significantly restricted by boundary treatments and vegetation. The extension would also be read in the context of the range of rear extensions found at the properties on College Road. As a consequence, the proposal would not result in an incongruous addition that would detract from the street scene or wider area.
15. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area. Thus, it would not conflict with Policy BE9 of the UDP insofar as it states that extensions should be appropriate to their setting.

Other Matters

16. I note the extension is proposed to offer an improved amount and quality of accommodation for the appellant and his family. However, whilst this is a matter to which I afford some weight, it would not outweigh the harm I have identified to the living conditions of neighbouring residents.
17. I note that no objections were received. However, this does not account for future changes in ownership or occupation of neighbouring properties and would not, in this instance, outweigh the harm which I have identified.

Conclusions

18. Whilst I have found that the proposal would not have a harmful effect on the character and appearance of the area, I have found that it would have a harmful effect on the living conditions of the occupiers of the ground floor flat at 2 Buchanan Gardens with regard to outlook and light. That is the prevailing consideration.
19. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR