
Appeal Decision

Site visit made on 7 February 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/T5150/D/17/3166392
83 Maybank Avenue, Wembley HA0 2TQ

- 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 A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Dhanraj Singh against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/4796, dated 4 November 2016, was refused by notice dated 12 December 2016.
 - The development proposed is a 6m rear extension.
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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 6m rear extension at 83 Maybank Avenue, Wembley HA0 2TQ in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of the occupiers of adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

3. The appeal property is a two storey terraced house within a residential area. There are neighbouring properties to each side and a road to the rear. There is an existing single storey rear extension. The Appellant considers that this projects to a total depth of 4.9m, as set out on the submitted plans, whilst the Council suggests it is 4.8m.
 4. The proposal would replace this existing extension. It would be 6m deep from the original rear elevation and would be single storey to a maximum height of 3m. The development would therefore be larger than the maximum 2.5m for terraced properties set out in the Council's 'Altering and Extending Your Home
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Planning Guidance' (SPG) (2002). However this SPG pre-dates the publication of the amended GPDO and therefore is not entirely consistent with it.

5. I saw on my site visit that there is no extension to the rear of No 81 Maybank Avenue. Occupiers of this property look out from the original rear elevation of their property on to their neighbours' existing extensions at both the appeal property and No 79.
6. The appeal proposal would be similar to the existing extension in that it would project for 3.1m along the shared boundary with No 81 before being set back from the garden fence for the remaining depth. However the existing extension is inset by only around 0.6m, whereas the development proposes a bigger distance of 1.5m. The inclusion of this much larger gap between the fence and the development would reduce the visual impact of the extension for the occupiers of No 81 as it would be situated a significant distance away from the boundary.
7. Furthermore the development would only be around 1.2m deeper than the existing extension, which I consider would be a modest additional depth. Due to the proposed set back of the development away from the shared boundary I consider that its 6m depth would not be unduly prominent when viewed from No 81.
8. I therefore find that due to the modest increase in depth combined with the more significant set back of the extension from the shared boundary, the development would not materially increase the sense of enclosure or be unduly overbearing for the occupiers of No 81. Accordingly there would be no material loss of outlook for these neighbouring residents.
9. As regards the effect of the proposal on the occupiers of the other neighbouring property at No 85 Maybank Avenue, this dwelling has an existing flat roofed single storey 6m deep extension which is adjacent to the boundary with the appeal property. As the proposal would be to a similar depth to this extension, there would be no adverse impact on the amenity of occupiers of this neighbouring dwelling.
10. I note the concerns expressed by the occupiers of No 81 in relation to privacy, and levels of sunlight and daylight. As no windows are proposed in the side elevation of the extension there would be no material loss of privacy as a result of the development. Furthermore, I consider that the modest increased depth and significant set back of the proposal would not be materially detrimental to sunlight and daylight levels. In this regard I also note that the Council does not object to the proposal on these grounds and based on the evidence before me I have no reason to disagree.
11. Overall, having taken account of the above factors I conclude that the development would not result in material harm to the amenity for the occupiers of No 81 and No 85 Maybank Avenue.
12. Concerns have been raised about other matters relating to existing development and disturbance during construction. As regards the comments made about the existing loft conversion these are not relevant to this appeal. I recognise that there would be disturbance to nearby residents during the construction period, but this would be for a temporary period. Even so this is not a planning matter for my consideration.

Conditions

13. The appellant should note that under the GPDO, the development is permitted subject to a number of conditions. This includes, as set out under paragraph A3 of Schedule 2, Part 1 of the GPDO, a condition requiring that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. As such it would be unnecessary to impose a separate condition regarding matching materials as suggested by the Council.
14. Paragraph A4 (11) of the GPDO also requires that development is carried out in accordance with the approved details unless the local planning authority and developer agree otherwise in writing. In the context of this appeal the approved details include the application form and the submitted plans. I therefore do not find it necessary to impose a separate condition regarding the approved plans.

Conclusion

15. For the reasons given above, I conclude 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 30 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.

Y Wright

INSPECTOR