

Appeal Decision

Site visit made on 17 January 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 23 February 2017

Appeal Ref: APP/T5150/W/16/3159586

18b Mostyn Gardens, London NW10 5QX

- 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 Mrs Sabine Storp against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1932, dated 10 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is described as extending the existing loft conversion to the outrigger rear roof, creating an extra study space. The proposal is designed to be proportionate in size, in relation to the host dwelling, incorporating similarly sized windows to suit the immediate context. The proposal includes a flat roof ensuring continuity is maintained with the host building and other dwellings in the immediate surroundings. The additional room will give the flat 3 double rooms and one single bedroom, supporting the need to create larger living space for families in the area. The project also includes internal renovation of the flat. The dormer windows will be somewhat hidden from view at street level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time the planning application was refused the development plan included the saved policies of the London Borough of Brent Unitary Development Plan, 2004 (the UDP). With the adoption of the London Borough of Brent Development Management Policies (DMP) in November 2016 a number of UDP policies have been superseded including Policies BE2 and BE9 which were referred to in the Council's reason for refusal. As a consequence the Council has indicated that it relies upon the London Borough of Brent Core Strategy, 2010 (the Core Strategy), the National Planning Policy Framework (the Framework) and the London Plan, 2015. I have addressed the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area; and
 - the effect of the proposed development on the living conditions of neighbouring residents with regard to outlook and light.
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Reasons

Character and Appearance

4. Mostyn Gardens is characterised by residential terraces which generally have been little altered on their principal frontages. The appeal property forms part of a two storey mid terrace house which has been converted into two flats. The proposed development relates to the flat which occupies the first floor and loft conversion and includes a rear dormer. It is proposed to create a second floor extension to the existing two storey outrigger with a flat roof which would be in keeping with the existing dormer and neighbouring extensions. Proposed windows are intended to reflect the form of neighbouring windows.
5. The proposal would extend over half the depth of the rear outrigger extending over a metre in height at the ridge of the outrigger and approximately 2.9 metres where it is set in from the eaves. Consequently the proposed development would, when considered in the context of the previous rear dormer, add considerable bulk to the original property. The introduction of a part three storey rear projection would appear as a dominating and disproportionate addition to the existing building which would not be subordinate to the original dwelling or its roof form. The outrigger extension would not be directly visible from the street but that is not sufficient justification for the proposal.
6. The proposed change to the rear elevation when considered in the context of the previous dormer extension would result in an overall development which was not subservient to the original building. Because of the scale and massing of the rear extension to 20 Mostyn Gardens and its proximity, the proposed extension would add to the bulk to the rear of these properties and would be detrimental to the character and appearance of both the host property and surrounding area.
7. Many other properties locally have been extended to the rear in a variety of forms. These include loft conversions with rear dormers and extensions above existing outriggers. The neighbouring property, 20 Mostyn Gardens has been extended in this way. Many extensions have apparently been undertaken using permitted development rights where the property has been in single ownership rather than flats. However, other inappropriate roof extensions do not provide adequate justification for extending the appeal property in the same way and do not justify the harm I have identified.
8. In considering the appeal proposal on its own merits I find that it would be contrary to Policy CP17 of the Core Strategy which aims to protect and enhance the distinctive suburban character of Brent from inappropriate development which would erode the character of suburban housing. It would also unbalance the appearance and character of the existing property contrary to the guidance in the London Borough of Brent Supplementary Planning Guidance 5: Altering and Extending Your Home (SPG 5). Additionally, the proposal fails to address the form and character of the existing building contrary to the requirements of the Framework in respect of good design.

Living Conditions

9. The proposed rear extension would be of a height and width to create considerable bulk above the existing outrigger. In the context of the existing

sizeable development at 20 Mostyn Gardens and its proximity, I find that the proposal would have an overbearing impact of the living conditions of neighbouring occupiers. In addition, by virtue of its position on the north elevation of the main property and the size of the proposed extension it would materially limit light to the windows of no. 20.

10. Concern was also raised by neighbours about a loss of privacy arising from the proposal. However, were I to allow the appeal this is a matter which could be addressed through an appropriately worded planning condition.
11. I therefore find that the proposal would fail to accord with SPG 5 which seeks to ensure that there is no unreasonable impact in terms of light for neighbouring properties and the Framework which aims to achieve a good standard of amenity for occupiers of buildings.

Other Matters

12. Whilst I recognise the desire of the appellant to increase the amount of accommodation to serve a growing family, this need does not override the harm which would occur as a result of the proposed development.

Conclusion

13. For the reasons set out above, and taking account of all other matters raised, the appeal is dismissed.

Kevin Gleeson

INSPECTOR