
Appeal Decision

Site visit made on 13 March 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 16th March 2017

Appeal Ref: APP/T5150/W/16/3165097

127B Clifford Gardens, London NW10 5JG

- 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 Hugo Steen against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/4386, dated 7 October 2016, was refused by notice dated 5 December 2016.
 - The development proposed is loft conversion to mansard roof with roof terrace including the installation of two roof lights to the front of the main roof.
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Preliminary Matter

1. Notwithstanding the description of development as stated on the application form I have used the description from the decision notice and the appeal form as I consider this more accurately reflects the proposal as shown on the plans.

Decision

2. The appeal is allowed and planning permission is granted for loft conversion to mansard roof with roof terrace including the installation of two roof lights to the front of the main roof at 127B Clifford Gardens, London NW10 5JG in accordance with the terms of the application Ref 16/4386, dated 7 October 2016, and 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building in colour, texture and design detail.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 955 E01; 955 P01; 955 S01.

Background and Main Issue

3. The reason for refusal as stated on the decision notice relates solely to the proposed rear dormer. Based on the submitted evidence and my observations during my site visit I see no reason to disagree with the Council's acceptance of other parts of the proposal including the roof lights to the front of the appeal property. On this basis I consider the main issue for this appeal is the effect of the proposed dormer on the character and appearance of the host property and the area.
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Reasons

4. The appeal property is a mid-terrace house which has been sub-divided into two flats. There are occasional narrow gaps between the ends of the terraced rows. To the rear of the Clifford Gardens properties on the appeal side of the street is a railway line and beyond that is Purves Road.
5. From the railway bridge on College Road and across part of the grounds of Princess Frederica School on Purves Road I was able to see distant views of dormers on Clifford Gardens beyond the trees on the railway embankment. Whilst these dormers may have been constructed without the need for express planning permission¹ glimpses of them form part of the built up environment. Some of these appear to be full width and I saw one with what appeared to be a glazed door at third floor level. I did not find them to be particularly intrusive or harmful to the character or appearance of the area.
6. Policy DMP1 of the Local Plan Development Management Policies adopted November 2016 (the DMP) requires development to be of a design and scale that complements the locality. The Supplementary Planning Guidance 5 "Altering and Extending your Home" (the SPG) contains specific guidelines relating to dormer windows. The purpose of the SPG is to ensure extensions to homes are well designed. These guidelines require proposed rear dormer windows to be mostly glazed, be no wider than half the width of the original roof plane, be set at least 0.3m below the ridge and 0.5m from the eaves.
7. The proposal would not meet the specific dormer requirements of the SPG. However, the proposal would not be particularly visible from public vantage points, would not be higher than the ridge and matching materials could be secured by condition. Even though the windows are not of the same proportions of those on the remainder of the rear elevation of No 127, given the particular locational circumstance with the railway and its embankments to the rear, there would be very limited views of the full extent of the rear elevation at one time either from public or private viewpoints. On balance I conclude that the proposed development would not be so out of keeping with the host building and surrounding area as to justify refusal on these grounds.
8. The Council raises no specific objections to the proposed roof terrace on the out rigger to the rear but considers the size and width of the dormer exacerbates the impact of the terrace. However, it seems to me that the effect of the terrace itself on the character and appearance of the host property and the area is independent of the scale of the dormer, which I have found to be acceptable. Moreover, the terrace would provide some outdoor amenity space for the first floor flat.

Other considerations

9. My attention has been drawn to two appeal decisions where rear dormers have been allowed². However, whilst bearing these in mind I have exercised my own judgement in relation to the particular planning merits of the appeal before me. The Council refers to appeal decisions which have supported the Council's stance. However, no details of these have been provided so I cannot consider them further.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

² APP/T5150/W/16/3143531 and APP/T5150/W/14/3001543

10. Matters relating to the party wall are for the respective land owners to address.

Conclusion and conditions

11. For the reasons set out above I conclude the proposed development would not have a harmful effect on the character and appearance of the host property or the locality. Although the proposed dormer would not meet all the guidelines of the SPG, taken as a whole the proposal would not materially conflict with Policy DMP1 of the DMP or the development plan as a whole. The appeal should succeed.
12. As well as the standard condition specifying the time limits for commencement of development compliance with the approved plans is necessary to provide certainty. Materials for external surfaces should match those of the existing building in the interests of the appearance of the area.

SHarley

INSPECTOR