
Appeal Decision

Site visit made on 23 January 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 31 March 2017

Appeal Ref: APP/T5150/W/16/3163187
102 Kingsbury Road, London NW9 0AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Patrick Walsh against the Council of the London Borough of Brent.
 - The application Ref 16/1412 is dated 1 April 2016.
 - The development proposed is described as 'double storey side-rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side and rear extension at 102 Kingsbury Road, London NW9 0AX, in accordance with the terms of the application, Ref 16/1412, dated 1 April 2016, subject to the attached schedule of conditions.

Procedural Matters

2. The development is described in the application and appeal forms as a 'double storey side-rear extension'. That could imply that the proposal is for a two storey extension. It seems to me that it is more accurately described in the Council Officer's report as 'a first floor side and rear extension'. Therefore, I have used the Council's description in my decision.
3. Since the failure to determine the original application, the Council has adopted a Development Management Policies Development Plan Document (DMP)¹ which replaces the saved Unitary Development Plan (2004). The appellant has had the opportunity to comment on the DMP during the course of the appeal. I am obliged to determine the appeal according to the current development plan.
4. The Council has advised that had it been in a position to determine the application, it would have refused planning permission for reasons relating to the effect on the character and appearance of the dwelling and the area. It considers the proposal contrary to policy DMP 1 of the DMP and the Council's 'Altering and Extending Your Home Supplementary Planning Guidance 5' (SPG)² document.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and the area.

¹ Adopted 21 November 2016

² Adopted September 2002

Reasons

6. The appeal property is a two storey semi-detached dwelling in a residential area. It has an existing ground floor rear and side extension and a dormer roof extension to the rear.
7. The proposal is essentially an extension to the rear to form a bedroom. It involves a projecting gable ended structure that would sit at first floor level above the rear ground floor extension and below the dormer. It would fill a currently blank area of wall on the rear elevation.
8. Whilst the Council refers to a lack of set-back and closing of the gap between properties, the proposal would not extend beyond the existing main side elevation of the building. Therefore, the current separation distance and visual gap between the appeal property and the dwelling at 104 Kingsbury Road to the west would not be affected.
9. It is further suggested by the Council that the proposal would result in a terracing effect when viewed from the street. However, it is a rear extension and though there is a gap between the appeal property and No 104, the proposal would not easily be seen from the public highway.
10. The size of the proposed extension is relatively modest with a width, according to the plan, of about 2.6 metres and a projection of approximately 1.5 metres from the rear main wall. Therefore, though I recognise that the dwelling has already been extended, I do not consider that the proposed addition would add substantially to the bulk of the building. I also saw on my site visit that many houses in the area have been extended to the front, side or rear in various styles. Therefore, the proposal would not be out-of-keeping.
11. The pitched roof design and gable is different from the flat roof on the dormer above but the small gable would reflect the gables on the main side elevation and at the front of the property. In any event, given the visual context of the existing extensions combined with the limited size of the proposed addition, I do find that it would appear dominant or incongruous. Furthermore, it would be difficult to view from any public vantage point.
12. Overall therefore, I conclude that the proposed development would not cause material harm to the character and appearance of the existing dwelling or the area. It follows that it would not conflict with policy DMP 1 of the DMP which, amongst other things, seeks to ensure that the siting, layout, scale and design of development provides high levels of internal and external amenity and complements the locality. Whilst there may be technical conflict with some of the detailed provisions contained in the SPG, I do not consider that, in this case, the conflict would lead to actual harm.

Conditions

13. I have considered the planning conditions suggested by the Council, amending them if necessary. A condition setting a time limit for the commencement of the development is a statutory requirement. For certainty, a condition requiring the development to be carried out in accordance with the approved plans is appropriate. A condition regarding materials is necessary to protect the character and appearance of the existing dwelling and the area.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathan Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No FCP/102/2016/A Date: 05-01-2016, Revisions 1 19-07-2016.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in colour, texture and design detail those of the existing building.