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## Appeal Decision

Site visit made on 22 March 2017

**by Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

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

**Decision date: 07 April 2017**

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**Appeal Ref: APP/T5150/D/16/3161145**

**3 and 5 Seaton Road, Wembley, Middlesex HA0 1HW**

- 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. Earl Williams against the decision of the Council of the London Borough of Brent.
  - The application Ref 16/3106, dated 1 August 2016, was refused by notice dated 26 September 2016.
  - The development proposed is single storey rear extension to both dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council, in its decision notice refers to saved policies BE2 and BE9 of the Brent Unitary Development Plan 2004 (UDP). However, since it issued its decision, the London Borough of Brent Local Plan November 2016 Development Management Policies (the DMP) has been adopted, a copy of which I have received. The DMP highlights that the above UDP saved policies will not be taken forward in the DMP and are now covered by national and London Plan policy. However, I have not been directed towards the relevant London Plan policy pertaining to this appeal.
3. I have therefore had regard to the National Planning Policy Framework (the Framework), which in paragraph 14 refers to the presumption in favour of sustainable development. It states that for decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
4. The Council also refers in its decision notice to its Supplementary Planning Guidance: Altering and Extending Your Home SPG 5 (the SPG) to which I have given some weight due to its role in supporting the decision making process.

### Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 1 Seaton Road in respect of outlook.
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## Reasons

6. The proposed extension would extend 3.6 metres from the back of the existing dwellings and that of No 1 which has no existing rear extension. It would abut with the boundary of No 1 and be in close proximity to a main ground floor habitable room window of that property.
7. The proposal would be noticeably higher than the existing boundary wall or any boundary treatment that could be erected as permitted development. In itself that height would not be particularly excessive for a single storey extension. However, in combination with its significant depth and proximity to the nearest habitable room window of No 1, the proposal would have a harmful enclosing effect when looking out from the room concerned. For the same reasons, it would also have a dominating effect when using the most private part of No 1's garden space closest to the house.
8. I note that the proposal would be the same depth as those existing single storey rear extensions to Nos 7 and 9. It is claimed that the proposed height would be the same as that of No 7, although that is not clear from the drawings submitted. Furthermore, although No 9's extension is higher than No 7's, any impact on the living conditions of No 11's occupiers would be lessened by the separation of those two end of terrace dwellings. Notwithstanding the presence of those other extensions, I have not received details of the planning circumstances relating to them, and have in any case determined this appeal on its own merits based on all of the evidence before me.
9. The appellant also highlights that he was advised by the Council to submit the proposed scheme relating to both Nos 3 and 5, as opposed to as individual applications, in order to be acceptable. However, again, I have determined this appeal on its merits based on all of the evidence before me.
10. For the above reasons, the proposed development would cause unacceptable harm to the living conditions of the occupiers of No 1 in respect of outlook. As such, it would be contrary to the Framework which in paragraph 17 states, amongst other things, that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings; and to the SPG, which concerns, amongst other things, the need to ensure that such development does not have an unacceptable impact on neighbours.

## Conclusion

11. With regard to paragraph 14 of the Framework, the proposal would represent a benefit to the appellant in respect of providing additional accommodation. However, for the reasons given above, the unacceptable harm that it would cause to the living conditions of the occupiers of No 1 in respect of outlook would significantly and demonstrably outweigh that benefit.
12. I therefore conclude that the appeal should be dismissed.

*Andrew Dawe*

INSPECTOR