

Appeal Decision

Site visit made on 21 March 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/T5150/D/17/3167219

26 Elthorne Road, London, NW9 8BJ

- 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 Akhtar against the decision of the Council of the London Borough of Brent
 - The application Ref 16/4949, dated 14 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Nos 24 and 28 Elthorne Road, with regards to outlook.

Reasons

3. The appeal property is a two storey end of terrace dwelling. It is located in a residential area, largely comprising similar two storey terraced and semi-detached dwellings. Whilst an end terrace, there is only a small gap between the appeal property and the adjacent dwelling from which it is detached. This gap effectively forms a very small break in a long terrace.
 4. To the front, the appeal property, like other dwellings in the area, is set back from the street behind a parking area. This set-back, along with wide pavements and the close proximity of a large park, provide the area with a sense of spaciousness.
 5. To the rear of houses along this side of Elthorne Road are relatively long gardens. These back on to the rear gardens of dwellings along Sunnymead Road, presenting a green and relatively open character, reduced only by the presence of large single storey outbuildings to the rear of most gardens.
 6. During my site visit, I observed that many houses along Elthorne Road have been altered and/or extended. Such changes are generally modest and appear in keeping with host properties. The ground floor of the appeal property has been extended to the rear.
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7. The Council's SPG5¹ provides guidance with regards two storey rear extensions to terraced properties. This seeks to ensure that there is sufficient distance between such extensions and the nearest habitable room windows of neighbouring properties.
8. The rear extension of the appeal property projects into the rear garden well beyond the rear building line of No 24, although is similar to the rear projection of No 28, which has, itself, been extended to the rear at ground floor level. However, whilst clearly visible from the rear of both neighbouring properties, the appeal property's existing ground floor extension does not draw undue attention to itself or appear dominant in its surroundings. This is due to a combination of factors, including its single storey nature, the existence of the ground floor extension to the rear of No 28 and the small gap between the appeal property and No 24.
9. However, at first floor level, the proposed extension the subject of this appeal would, were it to go ahead, project significantly to the rear of both adjacent neighbouring properties. Despite being set in from both neighbours, towards the centre of the appeal property, I find that it would still appear relatively close to them both. The impact of this would be most severe in the case of No 28, such that the proposal would project well forward of its nearest window in very close proximity to it. I find that this would result in the proposal drawing attention to itself to the extent of appearing unduly dominant in the outlook from No 28.
10. The impact of the proposal on No 24 would not be so pronounced, due to the larger distance away from the nearest window and the effect on the occupiers of that property would not be so harmful as it would be to the occupiers of No 28.
11. In considering the totality of the overall harm arising, I am mindful that the proposed development falls well short of meeting the guidance provided in the Council's SPG5, in respect of the distance from windows at both Nos 24 and 28. Whilst I acknowledge the appellant's point that SPG5 is simply guidance, I have concluded that the proposal would result in harm and this has led to my decision below.
12. Taking all of the above into account, I consider that the proposed development would harm the living conditions of the occupiers of No 28 Elthorne Road, contrary to the National Planning Policy Framework, Brent's Development Management Policies Policy DMP1 and to SPG5, which together amongst other things, seek to protect residential amenity.

Other Matters

13. In support of his case, the appellant has referred to another planning appeal decision in respect of another development elsewhere. However, there is no substantive evidence to demonstrate that all of the factors relating to that other case were the same as those before me. Notwithstanding this, I have found that the proposed development would harm the living conditions of neighbouring occupiers and this is not something that is outweighed by another planning decision elsewhere.

¹ Ref: London Borough of Brent Supplementary Planning Guidance 5 Altering and Extending Your Home (2002).

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR