
Appeal Decision

Site visit made on 27 March 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 18th April 2017

Appeal Ref: APP/T5150/D/16/3157684

5 Henson Avenue, London NW2 4AR

- 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 D Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1184, dated 18 March 2016, was refused by notice dated 13 June 2016.
 - The development proposed is described as a build above garage and a single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. During the course of the appeal the Council confirmed that its Unitary Development Plan, referred to in the Decision Notice, had been superseded by the Brent Local Plan: Development Management Policies 2016. The appellant has been given the opportunity to comment on the policy changes. It seems to me that the substance of the relevant policy referred to is not materially different to those originally cited. Nevertheless I have determined the application against the most up to date policy.

Main Issues

3. The main issue in this case is the effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons

4. Henson Avenue is a cul-de-sac off Anson Road, comprising detached and semi-detached houses built at around the same time and of a similar appearance. Most have a hipped roof and a projecting double height bay window with gable above. A number of the properties on this road, and those nearby, have been extended in a variety of ways and I noted that the appeal property itself has undergone some alteration and extension.
5. The proposal is for a single storey extension to one side of the property and an extension above an existing garage to the other. However, the first reason for refusal as set out in the Decision Notice relates to the accuracy and adequacy of the information submitted with the application.

6. It is clear from the documents before me that there are several omissions and inaccuracies within the drawings, some of which are incorrectly titled. The proposed front and side elevations of the single storey extension are missing; the side elevation of the first floor extension is missing; the proposed first floor extension is inaccurately represented on the front elevation particularly with regard to the position of the chimney and there appears to be discrepancies in the roof pitch of the building as shown on various plans.
7. These matters are not disputed by the appellant nor are they addressed in the appeal statement. Whilst not an issue raised by the Council, the application is not accompanied by a block plan. The site boundary is not shown on the ground floor, or other, plans and the distance of the single storey extension from the site boundary is therefore unclear.
8. As a result of these omissions and errors, the designer's intentions are not entirely clear and the proposal is ambiguous. Moreover, had I been minded to allow the appeal, the omissions and errors would have made the development unenforceable.
9. Notwithstanding this, the second reason for refusal relates to the effect of those details that are known, on the character and appearance of the dwelling and surrounding area.
10. The house is set at an angle to the neighbouring dwellings and set slightly behind No.6. A first floor extension would in effect reduce the space between dwellings at first floor level. However, because of the relative positions of the properties and the proposed set back from the front elevation, albeit less than that required by the Council's Supplementary Guidance 5, a terracing effect would be avoided. I noted at my site visit that a number of properties in the area have been extended at the sides such that limited space between dwellings is now part of the character of the area.
11. As drawn, the window to the proposed first floor bathroom would not reflect those on the existing front elevation in terms of its proportions and the roof pitch as indicated on the proposed front elevation would not reflect that of the existing dwelling. There is no indication of the design of the side elevation which, whilst it would not be unduly prominent in the public realm, would be visible from the neighbouring property.
12. I have noted the appellant's willingness to alter the window design. However, it is my duty to determine the application on the basis of the plans before me. These elements of the proposal would have an adverse effect on the appearance of the property and, as they would be visible from the public realm, would also cause a limited degree of harm to the character and appearance of the area.
13. The single storey side extension would be of a triangular form following the angle of the site boundary, and would have a flat roof. Consequently it would be at odds with the regular rectangular form and massing of the dwelling. However, with no front elevation or block plan, it is not possible to accurately assess the impact of that part of the development on the street scene.
14. For the reasons set out above, the submission fails to adequately demonstrate that the proposal would not harm the character and appearance of the host property or that of the surrounding area. Consequently the proposal is

contrary to Policy DMP1 of the Development Management Policies 2016 and Policy CP17 of the Core Strategy 2010 which seek to ensure that development provides high levels of internal and external amenity in terms of, amongst other things, its detailing and design, and compliments the locality.

15. For these reasons, and taking all other matters raised into account, the appeal is dismissed.

S. Ashworth

INSPECTOR