

Appeal Decision

Site visit made on 11 April 2017

by H Lock BA (Hons) DipTP MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/T5150/D/17/3169783
36 Shelley Gardens, WEMBLEY, HA0 3QG

- 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 Ahmad Al Hussein against the decision of the Council of the London Borough of Brent.
 - The application Ref. 16/4954, dated 4 November 2016, was refused by notice dated 24 January 2017.
 - The development proposed is installation of glazed uPVC frame canopy above garden decking.
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Decision

1. The appeal is allowed and planning permission is granted for installation of glazed uPVC frame canopy above garden decking at 36 Shelley Gardens, WEMBLEY, HA0 3QG in accordance with the terms of the application, Ref. 16/4954, dated 4 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1212AAH_FUL:SH1 Rev.A; 1212AAH_FUL:SH2 Rev.A; 1212AAH_FUL:SH3 Rev.A; 1212AAH_FUL:SH4 Rev.A; 1212AAH_FUL:SH5 Rev.A; and 1212AAH_FUL:SH6 Rev.A.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
 3. During consideration of the appeal the Council confirmed that the appeal site is not within the Sudbury Court Conservation Area, and that reference to this in the delegated report was in error.
 4. In the grounds of appeal the appellant has requested that amended plans, which reposition the canopy supports, be considered. However, within the remit of a Householder Appeal there is not scope for such amendments, and I have determined the appeal on the basis of the original submission.
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5. Several versions of the Council's delegated report have been submitted in this appeal, with some indicating that the existing decking is unauthorised and another omitting this statement. No evidence has been supplied to confirm that the decking constitutes a planning breach, and I have determined this appeal on the basis of the information supplied in this appeal.

Main Issues

6. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the area, and (2) the living conditions of neighbouring residents, with particular reference to outlook and privacy.

Reasons

Character and Appearance

7. The appeal property is a mid-terrace house in a residential area which is characterised by dwellings of the same period, shared designs and detailing. The suburban character identified in the Council's delegated report is apparent in the street scene, but there is more diversity to the rear of these buildings as a result of extensions and the individual treatment of gardens. These extensions are visible from the rear garden of the appeal site, and contribute to the context without undermining its character and appearance.
8. The rear garden of the appeal property is mostly hard surfaced, and has a raised wooden deck over much of which the proposed canopy would project. The Council's delegated report advises that the Council deals with canopies similar to extensions, and in this regard SPG5, 'Altering and Extending Your Home' 2002, advises that a single storey rear extension on a terraced house should be limited to 2.5 metres in depth. It notes that extensions to extensions are usually not acceptable except where no material harm arises.
9. SPG5 predates the adoption of the Development Management Policies of the Council's Local Plan in 2016, and Policy DMP 1 of that document requires, amongst other criteria, that development is of a siting, scale, type, materials, detailing and design that provides high levels of internal and external amenity and complements the locality. It would appear that the existing extension at the appeal property, and others in the vicinity, exceed the 2.5 metre guide set out in SPG5. Whilst I note the Council's view that the proposal should be regarded as a house extension, it would be a glazed canopy supported by lightweight framing, and open to its sides and rear. In this context, its visual and actual impact would be materially different from a solid extension. Although the overall projection from the rear of the house would be quite deep, its open design and lightweight framing would ensure a modest impact on the property.
10. I acknowledge that the design of the proposal is quite distinct from that of the original dwelling, and that there are not evidently similar structures in the vicinity. However, in the context of the range of extensions and outbuildings that exist in the vicinity within the rear garden environment, I conclude that the proposal would not undermine the character and appearance of the appeal property or the wider area. The proposal would not be visible from the more public domain of the street scene, and the suburban character of the area would be unaltered. There would be no conflict with the aims of LP Policy DMP 1, or with Policy CP 17 of the Core Strategy 2010, which seeks to protect the

suburban character of Brent from inappropriate development. As an extension to an extension, in accordance with SPG5, I find that no material harm would arise. However, I have placed more limited weight on the specific guidance set out in SPG5 given the size and scale of other extensions in the vicinity, which exceed its guidelines.

Living Conditions

11. The appeal property has a raised deck and the height of the boundary fencing means that views are available into the gardens of the neighbouring dwellings. However, whilst the proposal would facilitate greater use of the deck in all weather it would not materially increase the potential for loss of privacy to occupants of the neighbouring dwellings. Furthermore, although the development would be seen from the neighbouring dwellings and gardens, its lightweight framing and design would serve to limit its impact on the outlook from those properties.
12. I therefore conclude that the proposal would not reduce outlook or alter privacy to an extent that the living conditions of occupants of neighbouring properties would be harmed, and in this regard there would be no conflict with the overarching aims of LP Policy DMP 1.

Conditions

13. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. Given the nature of the proposal, a condition requiring the use of matching materials to the main house would not be reasonable or necessary.

Conclusion

14. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of its environmental strand is to contribute to protecting and enhancing the built environment. A core planning principle of the Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and for the reasons given above the proposal would comply with this principle. It would be sustainable development supported through the Framework, and as a consequence, I conclude that this appeal should be allowed.

H Lock

INSPECTOR