

# 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: 27<sup>th</sup> April 2017**

---

**Appeal Ref: APP/T5150/D/17/3168296**

**67 Hay Lane, Kingsbury, LONDON, NW9 0NA**

- 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 Bimal Chudasama against the decision of the Council of the London Borough of Brent.
  - The application Ref. 16/4001 was refused by notice dated 22 November 2016.
  - The development proposed is single storey rear extension and internal alteration.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Council's Development Management Policies Development Plan Document (2016) (DPD) has now been adopted, and Policy BE9 of the adopted Brent UDP, listed in the decision notice, has been superseded.

## Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupants of 65 Hay Lane, with particular reference to outlook and access to light.

## Reasons

4. The appeal property is a detached house, with a single-storey side element abutting a two-storey extension at 65 Hay Lane (No.65). The local topography is such that there is a significant change in levels between Nos. 65 and 67, both in terms of natural ground level and building eaves and ridge heights. In the rear gardens, both properties have raised patios above their respective lawns, but due to the natural level change, the patio at the appeal site is elevated above that of No.65.
  5. I note the appellant's concern that the Council's decision has been informed by the lower grass level rather than the actual ground levels at the rear of the property. However, in either case, the significant slope in Hay Lane means that the appeal property is elevated above No.65. As a matter of fact and degree, the ground level of the proposed extension would be above the patio of No.65 by some margin, resulting in a material increase in the height of the wall at the boundary between the two properties. Whilst I acknowledge that the closest window of No.65 is obscure-glazed, the proposed height and depth of the
-

extension at the boundary would create an unacceptably overbearing sense of enclosure to occupants of No.65. This would diminish the outlook from the dwelling itself, but also from the private patio area and garden. Given the orientation, the extension to No.65 and the existing boundary wall would already have some impact on access to light at the rear of that property. However, the additional height near the boundary created by the 5.0<sup>1</sup> metre deep extension is likely to exacerbate the impact.

6. Amongst other criteria, DPD Policy DMP 1 requires that development shall be of a siting, scale and design that provides high levels of internal and external amenity and complements the locality. Whilst the proposal would improve the internal arrangements at the appeal property, a development of the size and scale proposed would detract from the internal and external amenities enjoyed by occupants of No.65. I appreciate that the current occupants of that property did not object to the proposals when consulted on the planning application, but this would not override the harm which has been identified. Moreover, consideration must be given to the impact of the proposal on both current and future occupants of the property.
7. I therefore conclude that the proposal would detract from the outlook and access to light to 65 Hay Lane, to a degree that the living conditions for occupants of that property would be harmed, contrary to the aims of DPD Policy DMP 1. I have placed limited weight on the specific criteria set out in SPG5, 'Altering and Extending Your Home' 2002, given some conflict with current Permitted Development legislation, but the proposal would be contrary to a general aim of that document to ensure that development does not have an adverse impact on neighbours.

### **Conclusion**

8. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of its social strand is to create a high quality built environment. A core planning principle of the Framework is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, and for the reasons given above the development would not comply with this principle. It would not be sustainable development supported through the Framework, and as a consequence I conclude that this appeal should be dismissed.

*H Lock*

INSPECTOR

---

<sup>1</sup> Albeit approximately 4.0 metres beyond the extension at No.65.