

Appeal Decision

Site visit made on 4 April 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/T5150/D/17/3167475

Carramore Court, 24 Brook Avenue, Wembley, HA9 8PH

- 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 William McGowan against the decision of London Borough of Brent Council.
 - The application Ref 16/1403, dated 2 February 2016, was refused by notice dated 18 November 2016.
 - The development proposed is erection of single storey rear extension & change of roof profile.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that this is the effect of the proposal on the living conditions of the occupiers of the flats within no.25 Brook Avenue with respect to outlook.

Reasons

3. Part of the proposal involves raising the roof in a new profile to create full-height first floor accommodation over the entire extent of the original building. The Council does not object to these works, but suggests that a condition should be imposed to require an improved pattern of first floor fenestration on the front elevation. I have no reason to take a different view, noting that although the site is within a very mixed street scene, a good quality design outcome should nonetheless be expected.
 4. The land slopes up significantly from the appeal site to no.25 next door, and downwards to the rear of both properties. No.25 has two main floors of accommodation at the front, below eaves level, and three at the rear. The lower ground floor at the rear appears to be noticeably below the internal ground floor level at the rear of the appeal property. This is to be extended outwards by a further 4 metres (beyond an existing extension). The side wall is shown as being 3.9 metres above the back garden at its outer corner.
 5. There is a pair of glazed double doors in the rear-facing part of no.25, nearest the appeal site, which is set back behind the line of the present extent of the
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appeal property. These doors appear to give light and access into a habitable room. The main 3 storey side wall of no.25 then projects a considerable distance further, about as far as the proposed extension on the appeal site. The result of the appeal proposal would be to create a relatively high-sided canyon beyond the glazed doors, outlook from which would be severely compromised. There was nothing in the layout to the rear of no.25, so far as I could see it over the fence, to suggest that outdoor activity at the flat would be confined to the narrow paved area between the two buildings. Thus I am not persuaded that outlook from outside the flat would also be compromised by any serious amount.

6. The effect of the proposal on outlook next door is due to a combination of proximity to the common boundary and height above ground level. I consider that neither of these characteristics could reasonably be altered by the imposition of planning conditions. In addition, I consider that the harm to neighbouring living conditions would not be outweighed by the possibility of securing a satisfactory character and appearance for the front of the building, or by an absence of harm to living conditions at no.23.
7. I conclude that the proposal would significantly prejudice the living conditions of the occupiers of a ground floor rear flat within no.25 Brook Avenue with respect to outlook. This would be contrary to Policy BE9 in Brent's Unitary Development Plan (2004) and Policy DMP 1 in the Brent Local Plan Development Management Policies (2016). The older policy requires development to provide a satisfactory level of outlook, while the newer one expects high levels of internal and external amenity. The Council's *Altering and Extending Your Home* Supplementary Planning Guidance 5 (2002) also expects extensions on a detached house not to exceed a maximum depth of 3.5 metres or a height of 3.0 metres to a flat roof.
8. Therefore planning permission should be withheld and I dismiss the appeal.

G Garnham

INSPECTOR