
Appeal Decision

Site visit made on 11 July 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 19 July 2017

Appeal Ref: APP/T5150/D/17/3173970
65 Elms Lane, Wembley, London HA0 2NS

- 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 M Khan against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/0736, dated 18 February 2017, was refused by notice dated 13 April 2017.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 65 Elms Lane, Wembley, London HA0 2NS in accordance with the terms of the application Ref 17/0736, dated 18 February 2017, 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: 1A; 2; 3.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring residents, with particular regard to outlook and visual impact.

Reasons

3. The appeal site forms one of a pair of two storey semi-detached dwellings which are located in a predominantly residential area. The proposal would create a single storey extension to the rear of the existing dwelling.
4. The Council's document entitled 'SPG 5 – Altering and Extending Your Home' (SPG, September 2002) recommends that, in the case of semi-detached dwellings, the maximum depth for a single storey rear extension should be 3m. It also states that extensions to extensions are usually not acceptable except where no material harm arises. In this case, a rear extension to No 65 has already been built, and the proposed extension would increase the overall

depth at the rear to 6m on the side adjoining 67 Elms Lane, and to 7m on the other side.

5. The main outlook from the rear windows at No 67 is towards the west along the long garden plot, and this would not be changed by the proposed extension. On the boundary between the two properties is a tall timber fence which is solid for the most part, with some trellising at the top. At approximately 3m in height, the new side wall of the extension would be higher than the existing fence, but conversely would be lower than the side wall of the existing extension.
6. In my view, this small increase in height over a further depth of around 3.m would not have a significant enclosing effect on the neighbours' outlook from their garden or rear windows. The Council argues that the adjacent structure at No 67 is an open canopy rather than a solid extension. Whilst that may be so, the limited additional visual impact of the proposed extension, in comparison to that of the existing fence, would not be so harmful to living conditions as to warrant the withholding of planning permission.
7. The planning officer's report also raises concerns with respect to the effect of the proposal on the amount of sunlight and daylight experienced at No 67. However, I am satisfied that that sunlight and daylight levels would not be unduly harmed by the development. The Council has not objected to the proposal in terms of its design or appearance, and due to its secluded position, it would not have any significant visual impact in the wider street scene.
8. Therefore, whilst the proposed development would depart from the SPG's guidance in respect of the recommended depth, I conclude that no material harm would arise from it. I therefore find no conflict with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (November 2016), insofar as it seeks to ensure that development will provide high levels of external amenity, and will complement the locality.

Conditions

9. For certainty, it is necessary that the development is carried out in accordance with the approved plans. A condition relating to materials is appropriate in the interests of character and appearance.

Conclusion

10. For the reasons above, and taking all other matters into account, I conclude that the appeal should be allowed.

Elaine Gray

INSPECTOR