



Appeal Decision

Site visit made on 3 July 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 21 July 2017

Appeal Ref: APP/T5150/D/17/3176051

9 Kenelm Close, Harrow, Middlesex, UB6 0DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr Murad Shamsi against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/1078, dated 8 March 2017, was refused by notice dated 18 April 2017.
 - The development proposed is prior approval for a single storey extension to a dwelling house in metres: Extending beyond the rear wall of the original house – 8m, maximum height – 3m, eaves height – 2.736m.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) for single storey extension to a dwelling house in metres: Extending beyond the rear wall of the original house – 8m, maximum height – 3m, eaves height – 2.736m at 9 Kenelm Close, Harrow, Middlesex, UB6 0DP in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural matter

2. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises - taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The Council have directed me to policy DMP1 of the Brent Local Plan Development Management Policies. I have had regard to this policy in so far as it relates to the amenity of adjoining properties.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of nearby occupiers, with particular reference to outlook.

Reasons

5. No 9 is a large detached dwelling within a close of similar properties. Nos 8, 9 & 10 have separation to the common boundaries and generous rear garden

areas. No 10 is specifically referred to by the Council. It has a small side addition close to the shared boundary and rear facing windows.

6. The extension would be to the rear of the existing dwelling. It would in part replace an existing rear extension. It would not come any closer to No 10 than the existing extension. Whilst it would be deeper it would be about 4.2 metres from the common boundary and any rear facing windows. The garden areas of the dwellings are higher than the houses. The plans show that the extension would be constructed at the same level as the existing dwelling. This would serve to lessen its visual impact.
7. Furthermore it would have a simple flat roof design and materials would match the main house. I appreciate that a small amount of the extension may be visible from No 10. However, the combination of the distance from the boundary, oblique views and the design would mean that the extension would not create an oppressive sense of enclosure.
8. I therefore conclude that the extension would not have a harmful effect on the living conditions of nearby occupiers, with particular reference to outlook. For these reasons, I conclude that the proposal would not have an unacceptable impact on the amenity of the adjoining properties.

Other matters

9. Whilst not reasons for refusal the occupiers of No 8 have raised additional issues relating to daylight and sunlight. Due to the location of the two dwellings in relation to each other the addition would not project significantly beyond the rear wall of No 8. It would be located to the west of No 8. Therefore, due to the orientation and the limited projection beyond the rear of No 8 the proposal would not result in loss of daylight or sunlight to this property sufficient to resist it.

Conclusion

10. The Council has not suggested any conditions. The GPDO sets out a time limit for the development. It also allows for the imposition of conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises. The materials of the extension are shown as render on the plans. Therefore I do not consider that any additional conditions are necessary.
11. I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (11), (12), (13) and (14) that the development shall be completed on or before 30 May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

D J Board

INSPECTOR