
Appeal Decision

Site visit made on 28 June 2017

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 21st August 2017

Appeal Ref: APP/T5150/D/17/3174558

201 Wembley Hill Road, Wembley, HA9 8EL

- 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 Maitham Nasser against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2264, dated 27 May 2016, was refused by notice dated 24 January 2017.
 - The development proposed is the erection of side and rear ground floor extensions, erection of first floor side extension and conversion of garage into habitable room of dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of side and rear ground floor extensions, erection of first floor side extension and conversion of garage into habitable room of dwellinghouse at 201 Wembley Hill Road, Wembley, HA9 8EL in accordance with the terms of the application Ref 16/2264, dated 27 May 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The extension hereby permitted shall not be occupied until the bathroom window in the first floor side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer on the south elevation other than those expressly authorised by this permission shall be constructed.
 - 5) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
 - 6) The development hereby permitted shall be carried out in accordance with the following approved plans: S01 Rev A, S04 Rev A, S05 Rev A, S07, S08 Rev A, S11 Rev A, S12, Rev A, S13 Rev B, S15 Rev B, S16 Rev A, S17 Rev A.
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Main issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers.

Reasons

3. I saw at my site visit that buildings works have been undertaken at the appeal property, which is said by the appellant to be pursuant to recent submissions and decision notices as follows: by notice dated 2 March 2015 the Council stated that prior approval was not required for a single storey rear extension, 5.5m in depth (ref. 15/0172); a Certificate of Lawfulness for a single storey side extension and single storey rear extension to the property was issued on 22 September 2015 (ref. 15/3640).
4. The building work that has been undertaken has seen the single storey extension adjoining 203 Wembley Hill Road built to a depth of about 5.3m, according to the Delegated Report. I am informed by the Council that the building works were carried out in a single building operation. The application the subject of this appeal therefore concerns all the works undertaken to the rear of the property that were covered in the previous permissions, including the as built extension adjoining No. 203, as well as the further proposed first floor extension and conversion of the garage.
5. Since the refusal of planning permission at No. 201, I am informed that the neighbouring property of No. 203 has seen approval of a prior notification application for a single storey rear extension of 5.5m depth (ref. 17/0957). I have been provided with copies of the drawings for that Approval. At my site visit it appeared that preliminary building works were underway for the extension to the rear of No. 203, and I have little reason to doubt that the extension at No. 203 will continue and be completed and so there would not be any effect upon the living conditions of No. 203: the extensions will match in depth and height. The prior approval and works at No. 203 are therefore a material consideration of considerable weight in this appeal.
6. Also of considerable weight are, together, the previous prior approval and the certificate of lawfulness for No. 201. It is apparent from the appellant's correspondence with the Council and from the Delegated Report that the failure of the appellant to build 15/0172 and 15/3640 in the 'correct' order has led to this application and appeal since all works were carried out as a single building operation requiring planning permission. I am also aware that the depth of the rear extension exceeds the 3m guidance in the Council's Altering and Extending Your Home Supplementary Planning Guide (SPG5), which is used by the Council as an indication for when rear extensions may harm living conditions of neighbours.
7. In my opinion the evidence points to the likelihood that if the appeal was to fail then the appellant would simply have to demolish and rebuild works at the rear of the property in the 'correct' sequence of works, pursuant to a scheme or schemes similar to 15/0172 and 15/3640 (albeit fresh submissions may be necessary). That would be a wasteful exercise in terms of resources and so run contrary to the objectives of sustainable development set out in the National Planning Policy Framework, which seeks to use resources prudently and minimise waste.

8. This case therefore contains material considerations of sufficient weight to justify a departure from the SPG5. In particular, completion of the rear extension at No. 203 will ensure that the extension the subject of this appeal means there would not be any harm to amenity, as required by Policy DMP1 of the London Borough of Brent Local Plan: Development Management Policies 2016.
9. The first floor extension would be of a limited size, coming as far back into the site to ensure reasonable outlook from the window at the adjoining property of 199 Wembley Hill Road is retained. The distance of the side and rear extensions from the boundary of No. 199 would ensure no overbearing impact.
10. The design of the extensions the subject of this appeal would relate well to the appearance of the existing house and wider area. The Highways Authority have raised no objection to the conversion of the existing garage, and I see no reason to dissent from that view.
11. The appeal is therefore allowed. I have attached the Council's suggested condition requiring matching materials, to ensure a satisfactory appearance to the development. I have attached the suggested conditions relating to the windows in the side elevation and the use of the roof to the rear extension, to ensure no harm to the amenity of residents, though these have been modified in the interests of precision and enforceability. I have attached a further condition specifying the relevant drawings as this provides certainty.

C J Leigh

INSPECTOR