



Appeal Decision

Site visit made on 22 August 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/T5150/W/17/3174362
47 Heather Park Drive, Wembley HA0 1SP

- 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 C Anyia against the decision of the Council of the London Borough of Brent.
 - The application Ref: 16/5289, dated 7 December 2016, was refused by notice dated 20 February 2017.
 - The development proposed is a single storey rear extension and replacement of window with new door to the ground floor rear elevation to ground floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and replacement of window with new door to the ground floor rear elevation to ground floor flat at 47 Heather Park Drive, Wembley HA0 1SP in accordance with the terms of the application, Ref: 16/5289, dated 7 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16442/02 Existing Plan; 16442/03 Existing Elevations; 16442/04 Proposed Plan; 16442/05 A Proposed Elevations; 16442/06 Proposed 3D; 16442/08 A OS Map; 16442/09 Ground Floor Flat Area.
 - 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 host building, in respect of materials, colour, texture and design detail.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice as it provides a full and detailed description of the development.

Main Issues

3. The main issues of the appeal are the effect of the proposal on:
 - (i) the living conditions of the neighbouring occupier at 49 Heather Park Drive, with particular regard to the loss of light, outlook and a sense of enclosure; and

- (ii) the living conditions of occupiers of the ground floor flat, with particular regard to loss of outdoor amenity space.

Reasons

Living conditions – 49 Heather Park Drive

4. The appeal site is a two-storey dwelling, located in a terrace of four. The dwelling accommodates two flats, with the appeal relating to the ground floor flat only. A single storey flat roof outrigger is located to the rear of the appeal dwelling and steps beyond this lead to a lawned outdoor amenity area. The area is characterised by a mix of both residential and commercial units, with a railway line running to the rear of the site.
5. The proposal consists of a single storey extension, to be located within the recessed area at the rear of the dwelling. The use of sympathetic materials is proposed which would match the host dwelling. The proposal would extend close to the existing boundary with the neighbouring dwelling at 49 Heather Park Drive and would have an approximate depth of 3 metres and an eaves height of some 2.7 metres.
6. As a result of the north facing rear aspect, all gardens in the terrace are relatively shady. This is further exacerbated by the presence of a number of mature trees and vegetation to the rear of the gardens which acts as screening to the railway line. Despite the shading as a result of the aspect and vegetation, occupants of the neighbouring dwelling at No 49 are able to enjoy unrestricted views of their outdoor amenity space from double patio doors and a patio area in front of these. Whilst parts of this space are in the shade, it is not considered that the space is particularly restricted as the garden area wraps around the side of the end of terrace dwelling.
7. The existing outrigger on the appeal site has a rearward projection of approximately 4 metres, which is 1 metre deeper than the proposal. In terms of height, the outrigger is approximately 1.4 metres taller than that proposed. It is acknowledged that in relation to the London Borough of Brent Altering and Extending Your Home SPG5 2002 (the SPG) the proposal exceeds the guidance in relation to depth and width. However, due to the existing dimensions of the outrigger and the relatively modest scale of the proposal, it is not considered that the extension would significantly add to any loss of light, overshadowing or sense of enclosure, over and above that which already exists in terms of No 49.
8. It is therefore considered that the proposal would not harm the living conditions of the neighbouring occupiers at No 49, with particular regard to loss of light, outlook or sense of enclosure. Despite the technical breach of the SPG, the proposal complies with Policy CP17 of the London Borough of Brent Local Development Core Strategy 2010 (the CS). Amongst other things, this policy seeks to ensure that inappropriate development and development which does not respect the scale of existing dwellings is refused, thus ensuring that the suburban character of Brent is protected.
9. The Council has also referred to Policy CP1 of the CS in the decision notice. However, this policy is concerned with the spatial development strategy for the borough. As this policy does not make specific reference to the protection of amenity, it is not considered to be of relevance in this instance.

Living conditions – outdoor amenity space

10. Policy DMP19 of the London Borough of Brent Local Plan Development Management Policies 2016 (the LP) relates to new dwellings and confirms that external private amenity space is normally expected to be 20 square metres per flat and 50 square metres for family housing, including ground floor flats. In this instance, the appeal before me relates to a single storey extension of an existing flat, rather than a new development.
11. From observations made during the site visit, it was evident that access from the proposed kitchen door to an adequate amount of private outdoor amenity space would be available to the occupiers of the ground floor flat. It is accepted that a proportion of the existing hardstanding amenity area would be lost if the extension was constructed. However, a significant area of lawned space would remain and would be more than adequate for informal activities such as children playing, BBQ's and family eating or general relaxation.
12. Due to the sloping topography of the land, access to this amenity space would be via relatively steep steps. Whilst the very young or those with impaired mobility may need assistance when using the steps, it is not considered they would significantly limit accessibility. Neighbouring dwellings within the terrace have private outdoor amenity areas of a similar scale and also are required to access the space via steep steps. It was evident that neighbouring occupiers are able to make full use of the available space, despite the level change and use of steps.
13. The appellant has confirmed that the available space is in the region of 40 square metres. It is accepted that there is a shortfall of approximately 10 square metres in regard to Policy DMP19 of the LP. Despite the technical breach of Policy DMP19, consideration is given to the fact that the proposal is an extension and does not therefore constitute a new dwelling.
14. Full access to a private, suitably scaled outdoor amenity space is available to the existing occupiers of the ground floor flat. As such, the proposal would not harm the living conditions of the existing occupiers of the ground floor flat, with particular regard to loss of outdoor amenity space. It is therefore considered that the site specific circumstances of this appeal mean that the proposal would still comply with the overall amenity aims of policies DMP1 and DMP19 of the LP. When taken together these policies, amongst other things, seek to ensure that development provides a high level of amenity both internally and externally.

Conditions

15. I have considered the conditions suggested by the Council against the tests of the National Planning Policy Framework and advice provided in Planning Practice Guidance. I find them to be reasonable and necessary in the circumstances of this case.
16. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans in order to provide certainty. A condition relating to materials is also appropriate in the interests of safeguarding the character and appearance of the area.

Conclusion

17. For the reasons set out above, and taking account of all other matters raised, I conclude, subject to conditions, that the appeal should be allowed.

Helen Cassini

INSPECTOR