
Appeal Decision

Site visit made on 10 October 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 17 October 2017

Appeal Ref: APP/T5150/D/17/3179169

94 Furness Road, London, NW10 5UE.

- 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 Jessica McCormack against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/1939, dated 2 May 2017, was refused by notice dated 27 June 2017.
 - The development proposed is for a single storey side infill extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the living conditions of the occupiers of 96 Furness Road (No.96), with particular regard to visual impact. The second main issue is the effect of the proposal on the character and appearance of the host dwelling.

Reasons

Living conditions

3. The Appeal dwelling is located within a row of uniformly designed Victorian two storey terraced dwellings, with pairs of large projecting two storey rear wings. These attached wings, which have comparatively low mono-pitched roofs, are separated from each other by narrow garden strips.
4. Together and amongst other things policy CP17 of the London Borough of Brent Core Strategy (Core Strategy) and policy DMP1 of the London Borough of Brent Local Plan, Development Management Policies 2016 (DMP), seek to protect the distinctive suburban character of Brent. New development should provide high levels of internal and external amenity and should complement the locality. The National Planning Policy Framework (NPPF) similarly requires a good standard of amenity for all residents. New development should respond to local character and reflect the identity of local surroundings while not preventing or discouraging appropriate innovation.
5. In refusing planning permission for the Appeal scheme the Council referred to the Council's Supplementary Planning Guidance 5 – *Altering and Extending*

your home 2002 (SPG). It advises that infill extensions between rear projecting wings are not allowed, as they can impact on the living conditions of the occupiers of adjacent dwellings, who will already experience restricted light within their homes. No details have been provided regarding any consultations carried out during the preparation of this SPG, which limits the weight that can be given to it.

6. At the same time the Council has stated that it has recently revised its position with regard to extensions to side returns. To enable homes to be extended, whilst ensuring such extensions are not overbearing for the occupiers of the adjacent dwellings the Council has identified various maximum parameters. The following parameters are included in the Council's Draft Residential Extensions Design Guide – Supplementary Planning Document 2, July 2017 (SPD). These parameters are consistent with those set out in the Council's delegated report relating to the Appeal application.
 - Extensions which fill between outriggers and the boundary should be no higher than 2 metres at the boundary, when measured from the neighbour's side.
 - The maximum height of any part of the extension should be 3m where it meets the main house.
 - With terraced and semi-detached houses new single storey extensions should not project further than 3 metres from the rear elevation of the host dwelling.
7. As a draft document limited weight can be given to this SPD.
8. Planning permission has recently been granted for an infill extension to the side of the Appeal dwelling, which complies with the criteria set out in the draft SPD. With the approved scheme the eaves height of the proposed extension would be up to 2 metres above the ground level at No.96. The eaves height of the proposed extension would be up to 2.8 metres above the ground level at No.96 and it would project 10 metres along the boundary with No.96. Whilst the eaves height of the approved extension would be comparable to that of the boundary wall, the eaves height of the proposed extension would project a material distance above the existing boundary wall.
9. Due to its combined proximity, height and depth the extension would exacerbate the sense of enclosure at the rear of No.96. It would be visually overbearing and would dominate the outlook from the adjacent windows and passageway at No.96. Whilst it is acknowledged that the trellis above the boundary wall is in excess of two metres in height, it is visually lightweight and allows light and views through it. As such its visual impact on the living environment within the dwelling and adjacent garden area at No.96 is not directly comparable to the side wall of the proposed extension. Rather it serves to illustrate the enclosing impact a solid wall of the height proposed would have within the adjacent passageway and in the rooms served by the ground floor windows facing into the passageway.
10. For this reason, I conclude on the first main issue that the proposal would unacceptably harm the living conditions of the occupiers of No.96, due to its visually overbearing and enclosing impact. Accordingly, in this respect, the scheme would conflict with policies CP17 of the Core Strategy, policy DMP1 of the DMP, the NPPF, the SPG and the draft SPD.

Character and appearance

11. As indicated above the main difference between the approved and proposed extensions is the height of the side infill extension. Due to its modest height and roof pitch the approved extension would be visually subservient to the host dwelling and overall would respect the traditional appearance of the dwelling, notwithstanding the contemporary design of the rear facing full height window.
2. Conversely, the proposed Appeal extension extension would be materially taller. This together with its shallow pitched roof and large expanse of glazing on the rear elevation would fail to respect the modest scale and character of the host dwelling. Further, its cramped relationship with the dwelling at No.96 would exacerbate its dominance in relation to the host dwelling.
13. I conclude on the second main issue that the proposed extension would unacceptably harm the character and appearance of the host dwelling, contrary to policies CP17 of the Core Strategy, policy DMP1 of the DMP and the NPPF.

Conclusion

14. The conclusions on both main issues comprise compelling reasons for dismissing this Appeal, which the imposition of conditions would not satisfactorily address. In addition, this harm would outweigh the benefits for the Appellant and their family which would result from the proposed extension.

Elizabeth Lawrence

INSPECTOR