
Appeal Decision

Site visit made on 9 October 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 20 October 2017

Appeal Ref: APP/T5150/D/17/3180399

44A Dyne Road, London NW6 7XE

- 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 Mrs Yvette Fish against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/1123, dated 12 March 2017, was refused by notice dated 15 June 2017.
 - The development proposed is rear extension to ground floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for a extension to ground floor flat at 44A Dyne Road, London NW6 7XE in accordance with the terms of the application, Ref 17/1123, dated 12 March 2017, 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: 44000 location map; 44001 existing floor plans; 44002 existing section; 44003 existing elevations; 44004 proposed floor plans; 44005 proposed sections; 44006 proposed elevations; and 44007 floor space.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue for the appeal is whether the proposed extension would preserve or enhance the character or appearance of the North Kilburn Conservation Area and the host property.

Reasons

4. I saw at my site visit that the North Kilburn Conservation Area is predominately residential in character, typified by 2-3 storey terraced properties of a classical appearance. I observed that the buildings on Dyne Road within the Conservation Area are typically formed from stock brick, with mansard type roofs, projecting square front bays with dormers. In deciding this appeal I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The rear of the property is of a relatively plain appearance with simple detailing, with much of the garden enclosed by the adjoining dwelling and a boundary wall. The host property has a flat roofed brick rear projection along the boundary with the neighbouring 46 Dyne Road, which broadly covers half of the width of the garden.
6. 44 Dyne Road has been divided to form flats and the appeal proposal relates to the ground floor. It is proposed that the existing rear projection is demolished and a full width flat roofed extension of a contemporary design including a green roof is erected. This would be situated at a lower ground level than the main part of the dwelling with an open courtyard immediately outside of the existing French windows.
7. Whilst the proposed extension would be considerably larger than that existing, it would be seen in the context of the enclosed space between the appreciably taller projecting closet wing and rear extension at No 46 to one side and the boundary wall with No 42 to the other. Given that the proposed extension would not exceed the depth of that existing, although it would be considerably wider, I do not find it would appear as being excessive in scale in relation to the host property, given the context of the existing extension and relatively enclosed garden.
8. The existing rear extension is a relatively modern addition and due to its design and external appearance is a negative factor in the Conservation Area. Whilst the appeal proposal is for a larger structure of a different design, I nevertheless give the removal of this existing structure some weight in my decision. In addition, the appeal scheme would not give rise to any loss of historic fabric of the host dwelling.
9. Whilst the proposed extension would be of a contemporary design, the use of extensive areas of glazing would give it some permeability and the green roof and positioning between the neighbouring extension and boundary walls also assist in minimising its visual effects. I have had regard to the comments that the proposed extension ignores the proportions of the existing building, but consider that the design is not unacceptable in this particular context and that it would be read as a contemporary addition to the host property and would continue to allow the significance of the host dwelling within the Conservation Area to be understood.

10. I have had regard to the comments of the Council regarding paragraph 134 of the National Planning Policy Framework, but overall consider that the appeal proposal would have a neutral effect upon the character and appearance of the North Kilburn Conservation Area, thereby preserving it, rather than giving rise to harm.
11. The proposal therefore would preserve the character and appearance of the North Kilburn Conservation Area and the host property. It would not conflict with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (Local Plan) which is a development management general policy. The policy includes amongst other things that development will be acceptable provided it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality. Additionally it does not conflict with Local Plan Policy DMP7 which is concerned with Brent's heritage assets including amongst other things that developments sustain and enhance the significance of the heritage asset, its curtilage and setting, respecting and reinforcing the streetscene, frontages, views, vistas, street patterns, building line, siting, design, height, plot and plan form and ensure that extensions are not overly dominating.
12. Whilst the proposal exceeds considerably the size limits for the depth of extensions as set out in the Council's guidance 'Altering and Extending Your Home SPG5' due to the particular circumstances in this case, I nevertheless find the appeal scheme to be acceptable.

Conditions

13. I have imposed conditions regarding timescales and specifying the approved plans as that provides certainty. I have also attached a condition regarding external construction materials in the interests of the character and appearance of the area.

Conclusion

14. For the above reasons and having had regard to all other matters, I conclude that the appeal should be allowed.

Philip Lewis

INSPECTOR