



Appeal Decision

Site visit made on 6 November 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 21st November 2017

Appeal Ref: APP/T5150/D/17/3180286 16 Mersham Drive, London NW9 9PN

- 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 Arjan Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/1426, dated 29 March 2017, was refused by notice dated 26 May 2017.
 - The development proposed is a single storey rear & side extension, conversion of garage into habitable space and associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and side extension, conversion of garage into habitable space and associated alterations at 16 Mersham Drive, London NW9 9PN in accordance with the terms of the application, Ref 17/1426, dated 29 March 2017, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 001, 01, 02, 102, 002, 003, 104 and 004.
 - 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 building.

Background and Main Issue

2. The Council's single reason for refusal states that '*The rear extension is considered to be detrimentally harmful to the neighbouring properties at No. 18 and No. 14 Mersham Drive.*' However, there is no indication in either the Council's Delegated Report or the Decision Notice as to what specific harm would arise.
3. Based on the observations made during my site visit and the limited evidence before me I consider the main issue to be the effect of the development on the character and appearance of the neighbouring properties, Nos 14 and 18 Mersham Drive, and the living conditions of their occupants, with particular regard to outlook and light.

Reasons

4. The appeal property is a two-storey, semi-detached dwelling. The adjoining property, No 14 Mersham Drive, and the adjacent property, No 18 Mersham Drive, both have rear single-storey extensions.
5. The proposal would extend beyond the rear elevation of No 14's extension by approximately 1.5m and beyond the rear elevation of No.18's extension by approximately 2.3m. The total depth of the rear extension would be approximately 4.5m.
6. The London Borough of Brent's Altering and Extending Your Home Supplementary Planning Guidance (SPG5) 2002 states that single-storey rear extensions on semi-detached properties should have a depth no greater than 3.0m. The proposal would exceed this and as a result the Council argues that it would be unduly detrimental to the neighbouring properties, Nos 14 and 18. I note that no objection is raised regarding the effect of the extension on the host dwelling or the character and appearance of the area. I find no reason to consider otherwise.
7. Whilst the extension would project beyond the rear elevations of the neighbouring extensions, I do not consider that this would have any significantly harmful effect on the character or appearance of the neighbouring properties. When read in the context of the existing neighbouring extensions, the extension would not appear excessively large or out of scale with the neighbouring properties.
8. There are windows in the rear elevations of the neighbouring properties. Whilst the proposed extension would project beyond these windows, I do not consider that even with a projection of 2.3m it would significantly reduce the amount of light entering these windows or the outlook from them to such an extent that it would materially affect the usability of the rooms that they serve and the overall living conditions of the occupants.
9. Furthermore, the properties have large gardens which extend some distance from the rear elevations. Whilst the extension would project along the boundary line with the neighbouring properties, its single-storey height and limited projection would not result in any significantly adverse overshadowing or loss of outlook from the adjoining gardens.
10. I recognise that SPG5 limits such extensions to 3m. However, it does not account for existing neighbouring extensions. I note that the height of the extension would also exceed the SPG5 guidance of 3m. Nevertheless, the Council acknowledge that it would be in line with No. 14's and therefore raise no concern regarding this matter. I find no reason why a similarly flexible approach cannot be considered in respect of the depth of the extension.
11. I find therefore that the Council have failed to demonstrate that the proposal would have a significantly harmful effect on the living conditions of the occupants of the neighbouring residential properties. As such, I find no conflict with Policy DMP1 of the London Borough of Brent Local Plan 2016 and Policy CP17 of the London Borough of Brent Core Strategy 2010, which seek to ensure that development complements the locality and protects the Borough from inappropriate development. Whilst there would be some conflict with SPG5, it

is guidance only and does not outweigh the development plan policies, which the proposal would accord with.

Other Matters

12. I have had regard to the various other extended properties referred to me by the appellant. However, the details of these schemes and their relationship with neighbouring properties are limited and I cannot be certain that there is any direct comparison with the appeal proposal. Accordingly, I attribute these limited weight.

Conditions

13. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area a condition is also necessary requiring external materials to match the existing building. I note that the Council have suggested that a condition restricting the commencement of development to three years is not necessary. However, there are no exceptional circumstances to justify the omission of this standard condition.

Conclusion

14. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR