
Appeal Decision

Site visit made on 5 December 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 19 December 2017

Appeal Ref: APP/T5150/D/17/3181614

14 Crabtree Avenue, Wembley, HA0 1LP

- 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 Irachande Quessou against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/1664, dated 12 April 2017, was refused by notice dated 7 June 2017.
 - The development proposed is the erection of a single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear extension at 14 Crabtree Avenue, Wembley, HA0 1LP in accordance with the terms of the application, Ref 17/1664, dated 12 April 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: Drg Nos XEVA/14CA/101 A, XEVA/14CA/102 A, XEVA/14CA/103 A, XEVA/14CA/104 A, and XEVA/14CA/105 A.
 - 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.

Main Issue

2. The main issue is the effect of the proposal on the living conditions at 12 Crabtree Avenue with regard to visual impact and light.

Reasons

3. The Council's *Supplementary Planning Guidance 5 – Altering and Extending Your Home* (SPG) was adopted in 2002. For single-storey rear extensions it states that the maximum depth permitted for terraced houses, including end of terraced properties like No 14, is 2.5m. However, it is guidance only and I am mindful that it is of some age and, more importantly, that it pre-dates and is

out-of-step with, the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015. This conveys permitted development rights to dwellings, other than detached houses, to extend beyond the rear wall of the original dwellinghouse at single-storey by up to 3m and by up to 4m in height.

4. The Council accepts that the appeal proposal would project 3m beyond the rear wall of the original dwelling and that it would be 3m high. However, they argue that because the proposal would exceed their normal guidelines it would appear overbearing in the outlook from No 12 Crabtree Avenue and detrimental in terms of a loss of light. I disagree.
5. The extension would undeniably be seen in the outlook from the nearest ground floor window to No 12. However, it would be reasonable in scale and well-proportioned in relation to the existing property. It's fairly modest size would not appear overtly intrusive and neither is there any evidence to demonstrate that levels of light to the living spaces within No 12 would be significantly affected. The outlook from the rear of No 12 would continue, for the most part, directly towards its reasonably deep rear garden, which is open and spacious. There are no arguments put forward by the Council to suggest that there are specific circumstances on site that would resist against a development comparable in height and depth to that which could normally be added as permitted development. I note also that, despite consulting with the occupants of the neighbouring property, no objections were received by the Council during the application process.
6. Overall, I find that the proposal would not harm the living conditions at 12 Crabtree Avenue. Although it would conflict with the guidance within the SPG, there would be no conflict with Policy DMP1 of the Development Management Policies (2016) insofar as it requires development to, amongst other things, provide high levels of internal and external amenity and to complement the locality. Therefore, in the absence of any other conflict with the development plan, the appeal is allowed subject to a condition specifying the relevant drawings, which provides certainty. A further condition is necessary to ensure that the new works are carried out in materials to match the existing in order to safeguard the character and appearance of the area.

John D Allan

INSPECTOR