

## Appeal Decision

Site visit made on 26 February 2018

**by A U Ghafoor BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 March 2018**

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### **Appeal Ref: APP/C/17/3180112**

### **14 Chipstead Gardens, London NW2 6EL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr A Alvi against an enforcement notice issued by the Council of the London Borough of Brent.
  - The enforcement notice was issued on 5 June 2017.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of a rear dormer window to the premises.
  - The requirements of the notice are to:
    - 1) Demolish the development and remove all items and debris arising from that demolition and remove all materials associated with the development, or
    - 2) Remove the side brick parapet walls in their entirety and install roof tiles on the side of the dormer window, which match the design of the existing roof tiles.
  - The period for compliance with the requirements is three months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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### **Decision**

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of the erection of a rear dormer window on land at 14 Chipstead Gardens, London NW2 6EL referred to in the notice.

### **Reasons**

2. The main issue is the effect of the development on the character and appearance of the host dwelling and that of the locality.
3. No. 14 is a two-storey terrace house with accommodation in the roof-space. It is situated within a mainly residential area. In 2016, the local planning authority granted a certificate declaring that a proposed rear dormer window would be lawful by virtue of a deemed planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. However, the undisputable evidence is that the as built dormer window does not comply with the terms of that certificate. Mr Alvi seeks retrospective planning permission to retain the as built dormer window.
4. The dormer window has brick-built side cheeks and a slightly raised parapet wall that has been altered since the issuing of the notice. I note concern about the choice of material used on the external elevations. Nonetheless its front elevation is constructed in materials that match the host building. The dormer window virtually extends the full width of the rear roof plane and sits close to

the eaves, but the development does not cause visual harm to the external appearance of no.14 because of its bulk, mass and volume. I consider that the dormer window successfully integrates with the simple architectural style of the parent building and block in which it is situated, because of its overall design.

5. When the notice was issued the dormer window projected above the parent building's central roofline and was noticeable from the street. It is noticeable from public vantages given the layout of the estate and location of the appeal property. Nonetheless, its height has been altered so that it now sits lower than the ridge, or thereabouts. I do not consider that the development has a dominant visual impact upon the street scene because of the dormer window's scale. Similar roof extensions exist in the street scene and I am satisfied that the design does not harm the residential character of the locality.
6. I consider that conditions are unnecessary given my findings above. The development is acceptable and complies with Policy 1 of the Development Management Plan 2016. In reaching my findings above, I have taken into consideration representations made by the neighbours. I am quite content that the dormer window does not materially harm residential amenities because of its height and scale. Party wall issues are subject of different statutory provisions.
7. Drawing all of the above points together, on the main issue, I conclude that the development does not visually harm the character and appearance of the host dwelling and that of the locality.

### **Conclusions**

8. For the reasons given above and having regard to all other matters, I conclude that the appeal should succeed on ground (a) and planning permission has been granted. The appeal on grounds (f) and (g) do not therefore need to be considered.

*A U Ghafoor*

Inspector