



Appeal Decision

Site visit made on 25 June 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/T5150/D/19/3226015 27 Wembley Way, Wembley HA9 6JJ

- 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 D Vekeria against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/0226, dated 22 January 2019, was refused by notice dated 19 March 2019.
 - The development proposed is described as a retrospective application for erection of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 27 Wembley Way, Wembley HA9 6JJ in accordance with the terms of the application, Ref 19/0226, dated 22 January 2019, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, PA/27/P.02 Existing/Proposed Elevations, PA/27/P.03 Existing/Pre-existing Elevations, PA/27/P.04 Existing Ground Floor Plan.

Procedural Matter

2. An extension akin to the appeal scheme has already been carried out, however, I saw that the patio doors are not entirely as they are shown on the plans. I have therefore determined the appeal on the basis of the proposed development as it is shown on the plans.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of 25 Wembley Way with particular regard to outlook.

Reasons

4. The appeal property is a two-storey semi-detached house on the southern side of Wembley Way. The rear extension carried out (the extension) is some 4m long according to the plans, with a flat roof across the whole of the rear elevation. From the information before me, it appears that the Council has previously granted planning permission ref:18/0668 for a 3m extension.

5. Most of the nearby properties I could see from the rear garden had some form of rear extension. The adjoining neighbour No 25 has a canopy structure (the canopy) over the outside patio, which projects marginally beyond No 27's extension. It has a translucent Perspex sheet roof supported by timber batons. The front is mostly enclosed by tarpaulin sheeting, but the sides are open. I do not have details of the planning status of this canopy, but based on my observations, the batons are firmly fixed to the house and appear to have been there for some time, which gives some merit to the appellant's view that the canopy has a degree of permanence and can be taken into account.
6. I acknowledge there is a breach of the Council's Supplementary Planning Document 2 Residential Extension & Alterations 2018 (the SPD), which advises that single storey rear extensions should not normally be more than 3m in length along the boundary. However, it is not enough to say the development is harmful simply because this guidance is exceeded, or because the development is not in accordance with the previous planning permission. There must be demonstrable harm to the living conditions of the occupants of No 25 for there to be sufficient conflict with the underlying aims of Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies 2016 (LP) to justify refusal.
7. No 25's outlook is already significantly compromised by the tarpaulin sheeting to the front of the canopy. I am also mindful that a 3m extension was approved along the boundary, which would have enclosed the majority of that side of the canopy, so in effect I am considering an additional 1m. I saw that the full height of the extension, including a substantial proportion of the additional length of the extension, is partially mitigated by the canopy roof, notwithstanding its translucency. Furthermore, the extension lies to the north west of No 25 and is therefore not likely to cause any overshadowing effects. All these factors, in combination, lead me to conclude that the extension does not have an overbearing effect upon the outlook of No 25, or on the use of the patio itself.
8. Therefore, I conclude that the development is acceptable in terms of its impact on the living conditions of the occupants of No 25 with regards to outlook and accords with LP Policy DMP1, which in general terms requires that the layout and scale of development protects living conditions of neighbouring occupiers.

Conditions

9. I have not imposed the standard time limit condition, or a matching materials condition because development akin to the appeal scheme has already been carried out. However, an approved plans condition is necessary for certainty, and would allow the opportunity to make an application to amend the plans.

Conclusion

10. For the reasons above, I conclude that the appeal should be allowed.

Adrian Caines

INSPECTOR