



Appeal Decision

Site visit made on 13 August 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2019

Appeal Ref: APP/T5150/D/19/3230362 12 Brenthurst Road, London NW10 2DU

- 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 M Pindolia against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/0891, dated 9 March 2019, was refused by notice dated 3 May 2019.
 - The development proposed is single storey rear extension to replace existing rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to replace existing rear extension at 12 Brenthurst Road, London NW10 2DU in accordance with the terms of the application Ref 19/0891, dated 9 March 2019, 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: 18_071_P0 LOCATION/SITE PLAN, 18_071_P1 PROPOSED PLANS, 18_071_P2 PROPOSED ELEVATIONS, 18_071_S0 LOCATION PLAN AS EXISTING, 18_071_S1 EXISTING PLANS & 18_071_S2 EXISTING ELEVATIONS.
 - 3) The external surfaces of the extension hereby permitted shall match those used in the construction of the host property.

Application for costs

2. An application for costs was made by Mr M Pindolia against the Council of the London Borough of Brent. This application is the subject of a separate decision.

Procedural Matter

3. There is an existing single storey extension at the appeal site which is similar to that proposed. The appellant has suggested the existing rear extension is lawful for planning purposes due to the length of time it has been in place.
4. However, there is no evidence before me that confirms the lawfulness of the existing extension or otherwise and this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 and it therefore carries very limited weight. It is open to the

appellant to apply to have that matter determined under sections 191 or 192 of the Act and any such application would be unaffected by my determination of this appeal.

Main Issue

5. The main issue is the effect of the appeal proposal on the living conditions of the occupiers of 14 Brenthurst Road with particular regard to light and outlook.

Reasons

6. The appeal property is a terraced dwelling situated on the residential Brenthurst Road. It has a two storey rear outrigger, beyond which sits a single storey extension.
7. The proposal involves the provision of a single storey extension to the two storey outrigger to replace that existing. The extension proposed would be similar in proportion to that existing, incorporating a flat roof and an off-set from the boundary with No 14.
8. The two storey outrigger at No 14 is set away from the boundary and incorporates a glazed door and window which forms the primary opening on the rear elevation. An infill extension is also evident within its side return which incorporates a glazed door and small window. The evidence before me indicates that the openings serve kitchen and utility space respectively.
9. With interests in protecting the living conditions of nearby occupiers, guidance within the Supplementary Planning Guidance *Brent Residential Extensions and Alterations SPD2* (2018) (SPD) states that new single storey extensions to an existing two storey outrigger should not project further than 3 metres from the rear elevation of a terraced property. The appeal proposal would breach this guidance through its projection of approximately 5m from the rear of the two storey outrigger.
10. However, the appeal proposal would be of modest height and set off from the boundary with No 14. The primary opening within the rear elevation of No 14 is set well away from the boundary and serves a non habitable room in the form of a kitchen. Due to these factors, I am not persuaded that the appeal proposal would be likely to give rise to a harmful loss of light.
11. The openings would retain outlook over the well sized rear garden of No 14 and for this reason and those above, I am not persuaded that the proposed extension would be likely to create an unacceptable sense of enclosure or lead to a harmful loss of outlook from these windows or from this property at large.
12. Therefore, despite breaching the guidance within the SPD, the proposal, within this particular context, would not have a significant effect on the living conditions of the occupiers of 14 Brenthurst Road with particular regard to light and outlook and would therefore comply with the aims of Policy 7.6 of The London Plan (2016) and Policy DMP1 of the Brent Development Management Plan (2016) which seek to protect residential amenity and promote development appropriate to local character.

Other Matters

13. The occupier of No 14 has raised concerns in relation to the impact on their garden, partly due to the personal circumstances of one of the occupants. However, only limited details of the particular circumstances have been supplied and therefore I afford this matter limited weight. In any event, the rear garden at No 14 is well sized and I do not consider that the appeal proposal would have a significant detrimental impact on the occupiers' enjoyment of the garden.
14. Any effects from the construction period would be short-term. Issues are raised relating to the Party Wall Act. However, this is not a matter for my concern in an appeal under s78 of the Town and Country Planning Act 1990 (as amended).

Conditions

15. Planning permission is granted subject to the standard three year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. Matching materials are required in the interests of the character and appearance of the area and to ensure a complementary relationship with the host dwelling.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR