



Appeal Decision

Site visit made on 17 April 2019

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/T5150/W/19/3221658

16A Maybury Gardens, London NW10 2LY

- 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 Ellery against the decision of the Council of the London Borough of Brent.
 - The application Ref 18/3991, dated 12 October 2018, was refused by notice dated 14 December 2018.
 - The development proposed is rear roof extension with associated internal and external works.
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Decision

1. The appeal is allowed and planning permission is granted for rear roof extension with associated internal and external works at 16A Maybury Gardens, London NW10 2LY in accordance with the terms of the application, Ref 18/3991, dated 12 October 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P.18.2904.001, P.18.2904.002 and P.18.2904.003.
 - 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 on the development on the character and appearance of the building and its surroundings.

Reasons

3. The appeal property is the upper flat, one of two, in a former two storey house at the southern end of a terrace of properties at 2-16 Maybury Gardens.
4. There is a very small side gap between the host building and the adjacent terrace, starting with 18 Maybury Gardens. The host building has a deep rear outrigger, a recurring feature of other properties along this side of Maybury Gardens.

5. It is proposed to extend outwards from the rear roof both across its width and above the outrigger, for about 4m. I observed from my inspection that the neighbouring property, No 18, has been similarly extended. It is also proposed to introduce two rooflights to the front elevation. The Council considers the rooflights acceptable due to their small-scale nature, and I agree.
6. The Council considers the rear dormer extension unacceptable because it does not comply with technical guidance thus having detrimental effects. Supplementary Planning Document: Residential Extensions and Alterations 2018 (SPD2) allows for full width dormer extensions. The proposed dormer extension would be 0.3m lower than the roof ridge and set back, slightly, from the eaves. The extension projects over part of the outrigger, that is not 'normally' permissible, to the Council under SPD2 (albeit without explanation).
7. The outrigger is substantial in length but I consider that the proposed projecting extension, above, would be physically and visually subservient as it is lower in height than the dormer, steps in from the side wall, and is set well back from the rear wall. There is a gap between No 16 and No 18, so I consider that there would not be any form of cumulative effects. The proposal would not materially alter the appearance of the host property or terrace from the street, thus preserving the character and appearance of that important viewpoint.
8. I accept that this type of 'L-shaped' roof extension is not prevalent in this terrace or the adjacent terrace. However, there is a similar extension on the neighbouring property No 18, and a variety of differently designed extensions to the rear of properties. Therefore, I consider that as there is no longer a rigid uniformity of appearance to the rear of properties and that is a feature of the character.
9. I recognise that the proposed development would not fully accord with the guidance in SPD2. However, for the reasons given above, and having regard to there being no public views of the rear of the building, I conclude that the proposed development would not have a significant adverse effect on the character and appearance of the appeal site and its surroundings. As such, the proposal accords with Policies 7.4 and 7.6 of the London Plan 2016; and Policy DMP1 of the London Borough of Brent Local Plan, Development Management Policies 2016. Among other things, these require a high standard of design that respects local context.

Conditions

10. I have imposed conditions with regard to the commencement of the proposed development and the details of the approved plans, in the interests of certainty. I have also required that the materials match the existing dwelling, to ensure that the extension would be in keeping with the appeal property and those neighbouring.

Conclusion

11. For the reasons given above, the appeal is allowed.

Euan FS Pearson

INSPECTOR