
Appeal Decision

Site visit made on 17 September 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/T5150/W/19/3228079

22 Furness Road, London NW10 4QD

- 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 Marcello Dionisi against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/0201, dated 14 January 2019, was refused by notice dated 12 April 2019.
 - The development proposed has been described as replace an existing window with a door at the rear side elevation of the outrigger at first floor giving access to an external staircase which leads to the rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address given on the original application form was 22A Furness Road, but all subsequent documents state the address to be 22 Furness Road. It is clear from the submissions that the property is divided into two separate flats and parts of both 22 and 22A Furness Road are affected by the proposed development and I have therefore considered the proposal on this basis, albeit using the address used by both parties in the appeal submissions in the heading above.

Main Issues

3. The main issues are the effect of the development on:
 - the living conditions of the occupiers of the ground floor flat at the appeal site and the neighbouring flats of 20 and 20A Furness Road, with particular regard to outlook.
 - the character and appearance of the site and surrounding area.

Reasons

Effect on Living Conditions

4. The proposed staircase would be positioned away from the rear elevation of the main part of the building at the appeal site. However, it would be conspicuous in views from within the rear facing window of the ground floor flat. Due to its positioning and the angle of outlook from the side facing ground floor windows on the outrigger, the staircase would only be slightly visible from within the

rearmost part of the ground floor flat. The staircase would abut the side garden area that would be allocated to the ground floor flat, but the plans show that this part of the garden would be enclosed in such a manner that would prevent it being accessible and as such the effect on the usability of this part of the garden is of reduced relevance.

5. The neighbouring building that contains 20 and 20A Furness Road has windows in similar positions to those at the appeal site. Due to the positioning and scale of the staircase and the angle of outlook from the windows in the neighbouring building, the development would be conspicuous from within both flats.
6. Due to the relationship with other flats, the staircase and the privacy screens would become dominating features of the outlook to an extent that would be overbearing. The shallow width of the space between the outriggers results in this space being particularly important to the living environment of the flat's occupants and the enclosure of this would therefore be harmful to their living conditions.
7. The use of glazing for the privacy screens and the spaces between stairs would reduce the bulk and mass of the staircase, but not sufficiently to mitigate the overbearing effect of the staircase. The main parties agree that the proposed staircase would not cause a harmful loss of light and I do not disagree with this conclusion. However, loss of light is a different matter to a loss of outlook or a sense of enclosure. Therefore, the acceptability of the proposal in terms of the effect on the light received within neighbouring properties does not address the harm that has been identified.
8. The additional privacy that would be afforded to the ground floor flat at the appeal site as a result of the division of the garden space would be of benefit to the living conditions of the occupants of that flat. However, achieving this would be dependent on the erection of fencing that appears to prevent access to part of the garden area of that flat. Accordingly, the benefits would not be so substantial that they would outweigh the harm that has been identified above.
9. The development would therefore have an unacceptable effect on the living conditions of the occupiers of the ground floor flat at the appeal site and the flats at 20 and 20A Furness Road, particularly as a result of a loss of outlook. The proposal is therefore contrary to Policy DMP1 of the LPDMP which requires, amongst other things, that development provides high levels of internal and external amenity.

Character and Appearance

10. The appeal site contains a two storey building that comprises of two flats. The building is located within a terrace of similar buildings that feature similar outriggers to the rear. It is proposed to erect a staircase to the side of the rear outrigger that would be accessed from a new first floor door, with additional fencing provided within the garden.
11. The proposed development would be undertaken at the rear of the site and would therefore not be visible from the public areas of Furness Road. The top part of the staircase, the privacy screens and the proposed door would be visible from within the rear of the surrounding residential properties. However, the proposed fencing would not be visible above the existing fencing.

12. The proposed staircase and privacy screens would represent relatively small additions to the building. Whilst not being an existing feature of the site, their addition would not be unusual for properties of this type, as demonstrated by the presence of other external staircases within the locality. The privacy screens would be lightweight in appearance and the overall development would therefore not have an unduly dominating or incongruous effect. Due to the discreet positioning of the staircase, the effect on the character and appearance of the wider area would be limited. Even from where it would be seen, the staircase would not cause the building to be harmfully at odds with the character of the area. The additional fencing would also cause no visual harm as it would replicate the existing fencing at the site.
13. Therefore, the development would not have an unacceptable effect on the character and appearance of the site and the surrounding area. In this respect the proposal is in accordance with policy DMP1 of London Borough of Brent Local Plan Development Management Policies 2016 (LPDMP) which requires, amongst other things, that development is of a layout, scale, type, materials, detailing and design that complements the locality. The Council's Residential Extensions and Alterations SPD2 (2018) does not appear to address developments of this type specifically and as such I find no conflict with this guidance. However, the avoidance of harm in this regard does not make the development acceptable for the reason set out above.

Conclusion

14. The appellant has stated that the intention of the development is, in part, to improve the access to the garden space at the site to the benefit of the occupiers of the first floor flat. Currently access to the garden is only achievable through a hatch that leads to an internal staircase. I afford some weight to the arising improvement to living conditions, but do not find that this outweighs the harm to the living conditions of the occupiers of other properties that has been identified above. Similarly, I consider that the associated internal reconfigurations which would create additional space for the ground floor flat and therefore be of some benefit in terms of living conditions does not off-set the harm that has been identified in other regards due to the small size of this additional space.
15. Whilst I have found that the proposal would be acceptable in terms of its effect on the character and appearance of the area, the proposal would have an unacceptable effect on the living conditions of the occupiers of neighbouring properties. For this reason, the appeal is dismissed.

Ian Harrison

INSPECTOR