



Appeal Decision

Site visit made on 8 October 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/T5150/D/19/3232357
69 Hardinge Road, London NW10 3PN

- 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 Laurus Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/0772, dated 28 February 2019, was refused by notice dated 3 June 2019.
 - The development proposed is single storey rear extension and associated internal alterations to a semi-detached house.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and associated internal alterations to a semi-detached house at 69 Hardinge Road, London NW10 3PN in accordance with the terms of application Ref 19/0772, dated 28 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of the decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans:

180105-00-PO Location Plan dated 05.03.2018, 180105-11-PO Existing and proposed plans dated 28.11.2018.
 - 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.

Application for costs

2. An application for costs was made by Laurus Ltd against the Council of the London Borough of Brent. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area; and

- The effect of the development on the living conditions of the neighbours of 71 Hardinge Road with particular regard to outlook.

Reasons

Character and appearance

4. The appeal property is a 20th Century semi-detached two-storey house which lies on the north side of Hardinge Road within a residential suburban area. The rear garden of the site is on a lower level to the main dwelling which has been extended via a full width rear single storey extension and a raised patio area with steps leading from the patio to the garden. The patio area is open in nature, approximately 1m raised in height and 2.36m deep with a flat roof of plastic corrugated sheeting at approximately 4m in height, supported by timber posts. The area functions as an outdoor conservatory. It is visible from other properties close by and due to the lightweight structure and materials, it does not complement the host dwelling and, in my view causes harm its character.
5. The proposal would entail the removal of the patio area and replacement with a single storey extension on the same footprint, that would be accessed from the existing single storey extension by internal steps leading to the ground floor level with doors directly onto the garden. It is proposed to be built of standard construction with solid walls to three sides and a sloping roof above.
6. The combined length of both single storey extensions would be approximately 5.7m and this would exceed the advice of the Council's Residential Extensions & Alterations Supplementary Planning Document 2018 (SPD 2) that recommends rear single storey extensions to project 3m, or up to 6m provided there is a set in beyond 3m. However, I apply weight to the fact that there would be no net increase in its projection, and because of this individual circumstance, I do not foresee this to set a precedent for similar development.
7. The removal of this patio and replacement with an extension of solid wall constructed of matching materials and on the same footprint would be a more appropriate form of extension to this dwelling. It would complement the style of the existing dwelling and would also be less visible in the general area as the maximum height would be approximately 4m with a sloping roof that would reduce to an approximate height of 3m.
8. Based on its design, I do not concur with the Council's findings that the development would harm the character and appearance of the area and my findings are that the proposal would accord with Brent Council's Local Plan Development Management Policies 2016 DMP 1, (DMP) for new development to, amongst other matters, be of a design that complements the locality. I also consider it accords with Brent Council's adopted Core Strategy July 2010, Policy CP17 as it would not result in inappropriate development of buildings in gardens.
9. At a more strategic level, I can find no conflict with the National Planning Policy Framework (the Framework) as it would improve the character and quality of the area as advocated in paragraph 130. In respect of the London Plan, I consider the development accords with Policies 7.4 and 7.6 in particular, which aims to enhance the quality of local character, and includes matters relating to scale, proportion and mass.

Living conditions

10. It is the effect of the development on the living conditions of the attached neighbour at No 71 that is in contention. To the rear of this property, ground floor French doors and the first-floor window above, overlooks the existing single storey extension and the raised patio area with a timber fence of approximately 2.5m in height separating the two sites.
11. Although a new solid wall would be created close to the side with No 71, the overall height of the development would be slightly less than the height of the existing roof. Whilst the proposed extension would extend above the boundary fence, I am of the view that the outlook would not be significantly compromised due to the limited part of the extension that would be visible above the fence. Furthermore, I do not consider it would appear over-bearing as it is limited in scale, mass and height, and would not result in a sense of enclosure to these occupants as their site is otherwise open in aspect.
12. Some lightweight timber trellis has been erected to the side of the existing patio with No 71, however, overlooking can occur above and through this trellis. Due to the proposed lowered floor, level with the garden that this new development would create, together with the solid wall to the gable end, this would remove the opportunity to overlook the rear garden and ground floor windows at No 71. There would be improved living conditions in respect of privacy which would be a positive aspect of the proposal.
13. Overall, I consider that whilst the proposal does not meet all the requirements of the SPD 2, for the reasons I have outlined above, the proposal would accord with the Council's DMP Policy DMP 1 for new development to, amongst other matters, be of a design that provides a high level of external amenity. I also consider it meets paragraph 127 (f) of the Framework for development to achieve a high standard of amenity for existing and future users, and this also accords with the broad aims and objectives of the London Plan.

Conditions

14. I have considered conditions in light of the Planning Practice Guidance and Paragraph 55 of the Framework. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty, and a condition in relation to materials is reasonable in order to protect the character and appearance of the area.

Conclusion

15. Having considered the improvements the extension would bring to the character and appearance of the host dwelling and the area, the privacy benefits that would arise to No 71, together with its limited impact on their living conditions, I consider that the development is acceptable, and that the appeal should be allowed.

Alison Scott

INSPECTOR