



Appeal Decision

Site visit made on 15 November 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 03 December 2019

Appeal Ref: APP/T5150/D/19/3235406

138 The Fairway, Wembley HA0 3TQ

- 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 Rajendrakumar Thakerar against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/1273, dated 02 April 2019, was refused by notice dated 24 June 2019.
 - The development proposed is described as, 'construction of single storey rear extension, first floor side extension and erection of dormer and rooflights'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Sudbury Court Conservation Area (CA).

Reasons

3. The Fairway is characterised primarily by large semi-detached and detached dwellings with gable end features and similar materials such that the area has an attractive, unified character. The significance of the CA lies in the evidence of historic vernacular architecture and original detailing.
4. The proposed first floor extension, roof dormer and rooflights were approved by the Council under application reference 18/4375 and the Council have not objected to these elements of the proposal. From the evidence before me I see no reason to disagree. Therefore, I have focussed my assessment on the effect of the proposed single storey rear extension on the character and appearance of the area.
5. The single storey rear extension would project around 7m from the rear of the original building. It would be significantly deeper than the rear extensions of nearby properties and given the higher ground level compared with the garden, would significantly diminish the appearance of the original building and appear discordant in the area.
6. I note the existing canopy which due to its age would be immune from enforcement. It projects around the same distance as the proposed extension, however, given its open nature does not appear to be an extension to the property. I also note that the canopy is not in keeping with the host building and other neighbouring properties in terms of materials, and that the materials of the proposed extension would match the existing property. However, given its open and lightweight appearance, the canopy has a limited effect on the significance and character and appearance of the CA. Therefore, given the extent of harm that would result from the excessive depth and

height of the rear extension, the removal of the canopy and erection of the rear extension would have an incongruous effect on the character and appearance of the area.

7. The Sudbury Court Conservation Area Design Guide Adopted December 2015 (SCDG) states that the maximum depth permitted for a single storey extension is 4 metres from the original rear elevation of a detached house. The proposed extension would far exceed this requirement and given the detrimental effect that the extension would have on the character and appearance of the area, a departure from this guidance is not justified. There is a tall fence and trees along the rear boundaries of the property and the proposed extension would not be prominent from the street. However, there is no certainty regarding the permanence and height of the trees such that this point would not override the harm to the character and appearance identified above.
8. Consequently, the proposed development would not preserve or enhance the character or appearance of the CA. Therefore, it would conflict with Policy 7.8 of The London Plan The Spatial Development Strategy for London Consolidated with Alterations Since 2011 March 2016 which requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form and scale among other things. It would also conflict with Policies DMP1 and DMP7 of the Development Management Policies November 2016 which among other things seek development that conserves or enhances the significance of heritage assets. The proposal would also conflict with the SCDG in this regard.
9. The resulting harm to the character and appearance of the host building and surrounding area would have a negative effect on the significance of the CA. The harm would be less than substantial in the terms of paragraph 196 of the National Planning Policy Framework (Framework) and would fail to preserve or enhance the CA. There are no public benefits in the terms claimed by the appellant and any benefit including securing optimum viable use that would outbalance the harm found to the character and appearance of the area and significance of the CA.

Other Matters

10. I note the evidence relating to the requirement for additional accommodation for the appellant's family and their quality of life as well as the Framework's support of decisions that promote an effective use of land in meeting the need for homes while ensuring safe and healthy living conditions. During my site visit it appeared that the property is being used as a day care home rather than a single-family dwelling. In any event, given the extent of harm identified above, these points have not altered my overall decision.
11. I acknowledge that no objections were received as part of the application or appeal and note concerns regarding the service provided by the Council. However, the appeal must be determined on its planning merits and these points have not altered my overall decision.

Conclusion

12. The appeal is dismissed.

R Sabu

INSPECTOR