
Appeal Decision

Site visit made on 8 January 2020

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/T5150/D/19/3239756

83 Wyld Way, Wembley HA9 6PT

- 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 Thavabalan Muthiah against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/2493, dated 11 July 2019, was refused by notice dated 4 September 2019.
 - The development proposed is the erection of conservatory at the rear of the property.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I saw at my site visit that a rear extension and conservatory have been built. I am mindful that the Council has raised issues relating to the lawfulness of the existing rear extensions. I am also aware that approval was granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension.
3. I am also mindful that the Council's contention is that the rear extension has not been erected in accordance with the approved details and I note that the application forms state that the extension has been completed. In terms of the lawfulness of the existing extensions, this is not a matter for me to consider in the context of this appeal. I have determined this appeal on the basis that it was submitted to the Council.

Main Issue

4. The main issue is the effect of the appeal proposal on the living conditions of the occupiers of 81 Wyld Way with particular regard to outlook.

Reasons

5. The appeal property is a two-storey, semi-detached dwelling. The dwellings in this part of the street are similar in design and have long rear garden areas. There is a single-storey rear extension and a conservatory to the rear. The side boundaries of the garden area are formed by tall timber fences and there is a single storey outbuilding towards the end of the garden.
6. The appeal conservatory would extend beyond the depth of a rear extension with a combined depth of 6 metres and there would be a reduction in the depth

to the existing extensions by about 1 metre. Its side elevation would be alongside the boundary fence with the neighbouring property, No 81, and it would be set in from the boundary with No 85.

7. The proposed conservatory, when viewed from the garden and windows of 81, would be unacceptably dominant and overbearing and would cause unacceptable harm to the living conditions of the occupiers of No 81, due to its excessive size and bulk. Whilst I note that there is a wooden fence which forms the side boundary, which partially screens the conservatory, there is no guarantee that this fence would remain.
8. The Council has produced a Residential Extensions and Alterations Supplementary Planning Document 2 (SPD2) (January 2018). It states rear extensions should be designed to respect the character and size of the house. It further states that an extension up to 6 metres in depth may be acceptable providing that for every additional metre beyond 3 metres in depth, the extension should be set in from the boundary by an additional metre, to protect neighbouring residential amenity.
9. The development conflicts with the guidance in the Council's SPD2, and for the reasons given above, there would be unacceptable harm to the living conditions of No 81, with particular regard to the loss of outlook. The appeal proposal conflicts with Policy DMP1 of the London Borough of Brent Local Plan, Development Management Policies (November 2016) and the SPD2 which require, amongst other things, development to provide high levels of internal and external amenity.

Other matters

10. I note that neighbouring residents have raised concerns about the proposal increasing the occupancy levels of the property. The floor plans indicate that the conservatory would be used in connection with the use of the dwelling and there is nothing in the evidence to suggest that the number of people living at the property would change as a result of the proposed development.
11. Concerns are also raised as to the use of the existing outbuilding in the rear garden of the appeal property. However, the outbuilding does not form part of the proposed development before me.

Conclusion

12. For the reasons above, the appeal is dismissed.

Neil Smith

INSPECTOR