



Appeal Decision

Site visit made on 21 January 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/T5150/W/19/3238187

13 Grittleton Avenue, Wembley, HA9 6NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mohammad Ansar Miah against the Council of the London Borough of Brent.
 - The application Ref: 19/2599 is dated 18 July 2019.
 - The development proposed is erection of first floor rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of first floor rear extension at 13 Grittleton Avenue, Wembley, HA9 6NX in accordance with the terms of the application Ref: 19/2599 dated 18 July 2019, 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: OS PLAN, ZAAVIA/13GA/201 ISSUE A, ZAAVIA/13GA/202 ISSUE A, ZAAVIA/13GA/203 ISSUE C, ZAAVIA/13GA/204 ISSUE C, ZAAVIA/13GA/205 ISSUE C, ZAAVIA/13GA/206 ISSUE C, ZAAVIA/13GA/207 ISSUE A.
 - 3) All new external work shall be carried out in materials that match, in colour, texture and design detail, those of the existing building.

Procedural Matters

2. The Council contends that the drawings submitted with the application were inaccurate in a number of ways. I observed during my site visit that the drawings showing the existing and proposed elevations and roof plan do not accurately show the width of an existing dormer window in the rear roof slope, which extends the full width of the main roof, and show eaves to the rear roof slope on the side of the appeal property which no longer exist. However, I am satisfied that with my observations on site I am able to determine this appeal.
3. From the evidence before me, an application for prior approval for a single-storey rear extension was submitted in 2018. Following the requisite neighbour consultation and no objections being received, the Council determined that prior approval was not required and issued its decision on 14 January 2019.

4. The construction of the extension has commenced, and I observed during my site visit that it is substantially complete. However, it has yet to be rendered as, from the evidence before me, indicated on the drawings submitted for the prior approval and therefore cannot be considered to be fully complete. The Council is of the view that the proposed development and the construction of the single-storey extension should therefore be considered as one single development and assessed as such against the guidance in the Council's Residential Extensions and Alterations Supplementary Planning Document (2018) (SPD2).
5. However, the Council has not provided any evidence to support their position and I do not share its view. Although the construction of the first-floor extension could not take place as shown without the ground-floor extension being constructed, I consider them to be separate developments that could be undertaken separately, even if the appellant chooses to undertake them as one operation.
6. Even if I were to share the Council's view, I would have to have regard to the erection of a ground-floor extension 6 m deep and 3 m high as a realistic fall-back position, given the Council's confirmation that prior approval was not required and the extent to which the extension has already been constructed. I have therefore determined this appeal on the basis of the development for which permission was sought ie a first-floor rear extension.

Main Issues

7. The Council has not specifically confirmed what its decision would have been had it been in a position to make a decision within the statutory timescale nor, if it had refused permission, what the reason(s) for refusal would have been. However, it is clear from the Council's Statement that its concerns relate to the design of the proposed extension as regards its roof form and the effect on the living conditions of the occupiers of the neighbouring property.
8. The main issues are therefore the effect of the proposed development on i) the character and appearance of the host dwelling and wider area and ii) the living conditions of the occupiers of neighbouring properties, with particular regard to the occupiers of 15 Grittleton Avenue (No. 15).

Reasons

Character and appearance

9. The proposed first-floor extension would be modestly proportioned in relation to the host dwelling and its size would not adversely affect the character or appearance of the host dwelling or the area. However, it would have a shallow pitched roof which would not match the pitch of the roof of the host dwelling. It would therefore be contrary to the guidance in SPD2, which requires the design, shape and materials of the roof of a 2-storey extension to match the original roof.
10. However, SPD2 is only guidance and the weight I can attach to it is less than that of a development plan policy. Furthermore, the proposed first-floor extension would only have a small area of roof. Drawing ZAAVIA/13GA/204 Issue C shows the ridge of the roof of the proposed extension not encroaching onto the front wall of the existing dormer window, which I consider to be a satisfactory relationship between the roof and the dormer. Although this

drawing is inaccurate as I note above, I am satisfied from my observations during my site visit that the set-up of the dormer from the eaves would allow a shallow-pitched roof on the proposed extension to be constructed.

11. The proposed extension would be largely hidden from Grittleton Avenue with only an oblique glimpse visible between the appeal property and 11, Grittleton Avenue. It would therefore have a minimal impact on the street scene. Although the extension would be visible from neighbouring properties, its modest size would mean that it would not be materially harmful to the character or appearance of either the host property or the wider area due to its roof form or other design characteristics.
12. I therefore conclude that the proposed development would not conflict in this respect with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (2016) (DMP) or Policies 7.4 or 7.6 of The London Plan¹, which in combination and amongst other things, require development to respond to and complement the character of the locality and be of a design appropriate to its context. In addition, the development would not conflict with paragraph 127 b) and c) of the National Planning Policy Framework (the Framework) which requires planning decisions to ensure that developments are visually attractive and sympathetic to local character.

Living conditions

13. I note the objection from the occupier of the neighbouring property, No. 15 to the proposed first-floor extension on the grounds of the loss of sunlight and privacy. However, the proposed extension would be set back from the rear elevation of No. 15 - the Council's evidence is that the extension would be approximately 4.1 m from the nearest window in No. 15. Furthermore, No. 15 lies to the north-west of the appeal property. As a consequence, any loss of sunlight would be minimal and only occur during the early part of the day.
14. The proposed extension would have a window in the rear elevation but there is an existing window in the rear elevation of the host property closer to No. 15. I therefore consider that the proposed development would not result in a material additional loss of privacy for the occupiers of No. 15.
15. The proposed first-floor extension would thus not result in significant harm to the living conditions of the occupiers of No. 15. I note that the Council reached the same conclusion in respect of the first-floor extension, and that its concerns about the effect on living conditions relate only to the ground-floor extension.
16. Accordingly, I conclude that the proposed development would not conflict in this respect with Policy DMP1 of the DMP or with Policy 7.6 of The London Plan which, in combination and amongst other things, require development to be of high quality design and detailing that provides high levels of external amenity and not cause unacceptable harm to the amenity of surrounding buildings. In addition, the development would not conflict with paragraph 127 f) of the Framework which requires planning decisions to ensure that developments have a high standard of amenity for existing users.

¹ The Spatial Development Strategy for London Consolidated with Amendments since 2011

Other Matters

17. In addition to concerns over loss of sunlight and privacy as considered above, the occupier of No. 15 has also objected to the proposed development citing damage to their property arising from the construction of the ground floor extension, the attachment of an outside aerial to their property and dust and rubble in the gutters of their property. However, these are private matters between the respective parties and are not within the scope of this appeal or my jurisdiction.

Conditions

18. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans in the interests of certainty and I have therefore imposed a condition to this effect. Condition 3 is necessary to safeguard the character and appearance of the area.

Conclusion

19. For the reasons given above, and having had regard to the other matters raised, the appeal is allowed, and planning permission is granted subject to conditions.

Martin Small

INSPECTOR