



Appeal Decision

Site visit made on 27 November 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/T5150/D/19/3237096

27 West Close, Wembley, Middlesex HA9 9PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Bharat Hirani against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/2395, dated 1 October 2018, was refused by notice dated 30 July 2019.
 - The development proposed is a 5m deep single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of Number (No) 25 West Close, with particular respect to outlook and daylight.

Reasons

4. The appeal property is a two-storey semi-detached residential dwelling, with a rear single storey lean-to canopy and front and rear gardens.
5. The proposal would involve the removal of the existing lean-to and the subsequent construction of a single storey rear extension, which would be approximately 5 metres (m) deep by 5.9m wide. No windows or doors are planned in the flanks, but bi-fold doors are proposed for the rear elevation. The extension would be used as a kitchen/diner by the occupiers of No 27.
6. The proposal would result in a development with a visible side wall of approximately 4.3m depth adjacent to the boundary of No 25. This neighbouring property has a ground floor habitable room to the rear. The

window in this room would give the occupiers oblique views of this flank wall. The existing lean-to has a partially glazed open structure, allowing the occupiers some outlook and daylight through this building. Whereas the new extension, in terms of its proximity, solidity and bulk would have a detrimental effect on the occupant's outlook.

7. The Brent Residential Extensions and Alteration Supplementary Planning Document 2 (SPD), January 2018, states that 'an extension of up to 6 metres in depth may be acceptable providing that for every additional metre beyond 3.0 metres in depth, the extension should be set in from the boundary by an additional metre to protect neighbouring residential amenity.' The proposed structure would not be set in from the shared boundary and would therefore obscure the outlook and cause an unacceptable sense of enclosure to the occupiers of No 25.
8. The appellant has highlighted that No 25 has a raised patio and therefore the impact of the extension would be lessened as the neighbours would not be exposed to the full extension height of 3m. However, it was clear from my site visit that the house and garden of No 25 are at a significantly lower level to No 27. Consequently, I consider that the difference in levels would exacerbate the feeling of enclosure to the occupiers of No 25.
9. I acknowledge that the rear elevation of No 25 is north facing and would therefore receive little direct sunlight. However, the depth and height of this development, at such close proximity, would reduce the amount of daylight entering the rear ground floor window of this dwelling.
10. I am aware that prior approval has already been granted for a rear extension at No 27 (18/3806). Although this approved extension has a depth of approximately 5m, only part of it is close to the shared boundary, with the rear section of the extension being set back from the boundary by over 2m. Therefore, this staggered extension would not cause the same sense of enclosure and allow considerably more outlook and daylight to the occupants of No 25.
11. I recognise that the proposed extension would be situated in a sizeable garden and designed with a pitched roof end to minimise impacts. However, these matters do not outweigh the harm I have already identified above or alter my decision.
12. I have also given consideration to the appellant's statement regarding existing vegetation and that a boundary fence could be erected under permitted development rights. However, the proposed extension would be significantly higher than a boundary fence and more permanent than vegetation. I can therefore give these matters little weight and have considered this appeal scheme on its own merits.
13. I therefore conclude that the proposed rear extension would have a detrimental effect on the outlook and daylight to the occupiers of No 25 West Close. In addition, this would not accord with the Brent Residential Extensions and Alteration SPD 2 (January 2018). This requires rear extensions over 3m in length to be set in from the boundary.

Other Matters

14. The appellant has raised the issue that the Council provided little input during

his numerous planning applications. This is an issue I can give little weight to and remains a matter between the appellant and the Council. Consequently, this matter does not affect my findings on the main issue.

Conclusion

15. For the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR