



Appeal Decision

Site visit made on 1 October 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2020

Appeal Ref: APP/T5150/D/19/3232232

305 Salmon Street, London NW9 8YA

- 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 Ben Kpogho against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/1414, dated 4 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is double storey side, double storey rear, roof alterations with rear dormer and 4 roof lights and front porch.
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Decision

1. The appeal is allowed and planning permission is granted for double storey side, double storey rear, roof alterations with rear dormer and 4 roof lights and front porch at 305 Salmon Street, London NW9 8YA in accordance with the terms of the application, Ref 19/1414, dated 4 April 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 00, 01A, 02A, 03A, 04A and 05A, save with regards to compliance with any condition in this decision.
 - 2) The development hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme showing the design of the roof to the front dormer window, (for the purposes of clarity, this is annotated with "Existing gable end roof to be removed and replaced with flat roof" on the Proposed Front Elevation on Drawing 03A), shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of development in the decision notice differs from that given on the application form. As the former more accurately reflects what is proposed, I have used this in my decision.
3. Planning permission was granted for extensions that significantly enlarged the house. At my visit, I saw that the property had been extended considerably, although it appears that this has not been undertaken in accordance with the terms of the approved plans. The Council tells me that an enforcement notice has been issued in this regard, but has not provided me with a copy of this. Whilst I have taken the approved scheme into account, my decision is based on the merits of the proposed scheme.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. 305 Salmon Street is a large, detached, two-storey dwelling that lies within a generous plot. The house is set well back from the road, the two being separated by a well-treed hedge, a private access and a large front garden. In addition to this garden, it has a very generous rear garden and a side garden. The former adjoins a large area of public open space, Fryent Country Park, and the latter an access to the country park. On the other side of this access the road continues as Slough Lane. Development there shares many of the characteristics of Salmon Street, but lacks the access drive and treed hedge.
6. Policy DMP1 of the Brent Local Plan Development Management Policies, November 2016, (DMP), is germane to the application. Amongst its terms, it sets out that development proposals will be acceptable where their layout, scale, detailing and design complements the locality. To provide more detailed guidance within this policy framework, the Council has produced a Supplementary Planning Document, (SPD), 'Residential Extensions and Alterations', November 2017.
7. It appears that the side extension would be a little wider than two-thirds of the original dwelling. Whilst this ratio is referred to in the SPD, that document does not preclude extensions that are larger than this, where appropriate. Although clearly seen from public vantage points, this element would not have an

- adverse effect on the host dwelling or its surroundings and would, therefore, be appropriate.
8. Although the bay would project from the front wall of the side extension, that wall would be set back from the front of the dwelling. Given this set back, its articulation and appropriate size, the bay would appear as a subservient feature and would not have an adverse effect on the host dwelling or the wider area. In this regard, I saw that nearby properties had two-storey bays on their front elevations with small flat roofs.
 9. The provision of a small area of flat roof on the smaller bay element on the side elevation of this extension would be unobtrusive. Although not on Salmon Street, 37 Slough Street lies on the other side of the lane to the country park and is clearly seen in conjunction with No 305. It shares a number of similarities with No 305, including a bay element on its side elevation with a flat roof. As such, this feature would not be seen as being incongruous or alien in the streetscape.
 10. The Officer's report suggests that the proposed two-storey rear extension would not accord with the 1:2 'rule' set out in section 2.4 of the SPD. However, I have not been provided with sufficient evidence to determine whether this would be the case or not. The reasoning behind this requirement in the SPD is that two-storey extensions might otherwise have an adverse impact, in terms of loss of light and outlook, on adjoining occupiers. What is proposed here is much the same as was granted permission previously, when the effect on the living conditions would have been assessed as being appropriate. Notwithstanding this, from what I was able to see at my site visit the relationship between the proposed two-storey rear extension and the neighbouring property, 303 Salmon Street, would not result in significant harm to its occupants through loss of light or outlook.
 11. I would not describe the manner in which the single storey flat roofed rear extension would meet that with a pitched roof as being complex. There would be a slightly odd relationship, but this would not cause harm that might justify refusing permission.
 12. Taken individually or cumulatively and subject to a condition requiring the use of matching materials, the proposed extensions and alterations would not appear discordant in the street scene, nor would they have an adverse effect on the host dwelling. They would, therefore, accord with the terms of DMP Policy DMP1 and the guidance in the SPD and National Planning Policy Framework (the Framework).

Other Matters

13. Although it registered the application with them, the Council has drawn my attention to a discrepancy relating to the roof to the front bay on the proposed plans. Nonetheless, in its Questionnaire response to the appeal, the Council proposed the use of a condition requiring compliance with the approved plans. As this would not address the discrepancy, both parties were consulted on the use of conditions designed to do this. The Council objected to these, whilst the appellant raised no objection.

14. In this respect, the Council drew my attention to Government guidance on conditions in the Planning Policy Guidance¹. I have given reasoning as to why the bay is acceptable, above. The discrepancy is minor and does not go to the heart of the application. Significant change is not required and the condition would not result in a substantially different development taking place from that which is applied for. Therefore, my conditions 1 and 2 accord with this guidance. I have also taken the terms of paragraph 55 of the Framework into account in my use of conditions.
15. As the Council did not provide a copy of the enforcement notice, I cannot be sure how it is affected by the use of the condition. However, for the above reasons, the development proposed here is acceptable. From its submissions, the Council would still be able to enforce against any unresolved breaches of condition at the property. As such, its position would not be prejudiced by my decision.

Conditions

16. In addition to those relating to the plans, referred to above, I find that a condition requiring matching materials to be necessary.

Conclusion

17. For the above reasons, and having taken all other matters into account, I allow the appeal.

Roy Curnow

INSPECTOR

¹ Paragraph: 012 Reference ID: 21a-012-20140306 - Revision date: 06/03/2014