
Appeal Decision

Site visit made on 8 October 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/T5150/W/19/3232591

456A High Road, Wembley HA9 7AY

- 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 Ms Rana Ahmed against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/0981, dated 14 March 2019, was refused by notice dated 9 May 2019.
 - The development proposed is described as 'part first floor rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a part first floor rear extension to dwelling in multiple occupation and the removal of the existing terrace at 456A High Road, Wembley HA9 7AY in accordance with the terms of the application, Ref 19/0981, dated 14 March 2019, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Ms Rana Ahmed against the Council of the London Borough of Brent. This application is the subject of a separate Decision.

Procedural Matters

3. I acknowledge that the appellant has submitted a specification for an extraction ventilation system in support of this appeal. However, this document does not relate directly to the appeal property and as such I have not considered this in determination of the appeal.
4. The description of development that appears in the banner heading above is taken from the planning application form. The Council's decision notice refers to the description of development as 'erection of a part first floor rear extension to dwelling in multiple occupation and the removal of the existing terrace'. This more accurately describes the proposal and I have therefore determined the appeal on this basis. This is reflected in the decision above.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of residents of the property.

Reasons

6. The appeal relates to the upper two floors of a mid-terrace three storey property within an established shopping parade. There is a ground floor restaurant with a two-storey house in multiple occupation above. The existing flat roofed area is currently utilised as a covered terrace.
7. An extraction flue serving the ground floor restaurant is in situ to the rear of the property. Whilst the documents in support of the proposal do not demonstrate how the restaurant would retain an adequate extraction system, I consider that the provision of a suitable scheme of odour and noise attenuation would be required to safeguard living conditions of future occupiers of the appeal development. I am satisfied that such details could be suitably controlled by way of condition.
8. I conclude that subject to such a condition, the development would not harm the living conditions of residents of the property. As such the proposals would accord with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies 2016, that seeks amongst other things to not unacceptably increase exposure to noise, smells or other forms of pollution.

Conditions

9. 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. I have therefore imposed a condition to this effect. A condition is also imposed requiring materials to match those of the existing dwelling in the interests of character and appearance.
10. I appreciate that the Council has raised an objection to the proposed condition with regard to the details in relation to the flue and associated noise and odour protection. However, I am satisfied that it is reasonable and necessary to make the development acceptable in planning terms and is enforceable. Although I acknowledge the comments of the appellant I have also imposed a condition restricting the use of the extension hereby approved to prevent the use as a bedroom, to maintain communal living space in the interests of the living conditions of occupiers of the HMO.

Conclusion

11. For the above reasons I conclude that the appeal should be allowed.

Robert Lankshear

INSPECTOR

Schedule of 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: Plan/01 Rev D, HM Land Registry Title Number AGL 188980 and Plan/02 Rev C.
- 3) The external surfaces of the extension hereby permitted shall match those used in the construction of the existing building.
- 4) The extension hereby approved shown on drawing Plan/02 Rev C shall not be used as a bedroom.
- 5) Prior to the occupation of the development hereby approved, a scheme providing details of the fixing/positioning of the flue serving the ground floor restaurant premises (including cross-sectional drawings) and details of noise/odour protection, shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before the development hereby approved is occupied and retained thereafter.