



Appeal Decision

Site visit made on 3 February 2020 by Mariam Noorgat BSc (Hons)

Decision by Chris Hoult BA(Hons) BPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/T5150/D/19/3240047

68 Hay Lane, London NW9 0NB

- 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 Mark Rodden against the decision of Brent Council.
 - The application Ref 19/1909 dated 13 May 2019 was refused by notice dated 6 August 2019.
 - The development proposed is a single storey rear extension and rear dormer.
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Decision

1. The part of the appeal that relates to the rear dormer is dismissed.
2. The part of the appeal that relates to the rear extension is allowed and planning permission is granted for a single storey rear extension at 68 Hay Lane, London NW9 0NB, in accordance with the application Ref 19/1909, dated 13 May 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans in so far that they relate to the single storey rear extension: A100 Rev A, A101 Rev A, A102 Rev A, A103 Rev A, A104 Rev A, A105 Rev A and A106 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

4. A split decision has been recommended (in accordance with s79(1)(b) of the Town and Country Planning Act 1990 (as amended)) allowing only part of the proposal. This has been done on the basis that the two parts of the proposal are severable.
5. The original plans on which the Council based its decision showed the rear extension to be 3.5m deep. The evidence before me includes an email

exchange between the parties indicating that amended plans showing a reduction in depth to 3m as requested by the Council were in the process of being submitted at the time the application was determined. These plans are now submitted in pursuit of the appeal.

6. The Council and neighbours have not had the opportunity to comment on these amended plans. However, they appear to have been in response to a request from the Council and seek to address effects on the living conditions of neighbouring occupiers. These occupiers have made no representations to the Council during the application process or pursuant to the appeal. Given this background, and that they reduce the scale of the extension, I consider that on this occasion no party to the appeal would be prejudiced by my acceptance of them and therefore my recommendation is based upon them.

Main Issues

7. The main issues are:

- The effect of the single storey rear extension and rear dormer on the character and appearance of the host property, the street scene and the Buck Lane Conservation Area ("the CA"); and
- The effect of the single storey rear extension on the living conditions of the occupiers of 66 Hay Lane, with particular regard to outlook and sunlight.

Reasons for the Recommendation

8. In line with the duty imposed on me by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Rear Dormer

9. The appeal property forms the left-hand half of a pair of two-storey semi-detached houses (viewed from the street) that are modest in proportions and size. It is sited on the corner of Hay Lane and Hayland Close which allows the rear of the appeal property to be highly visible from Hayland Close. The appeal property and neighbouring property No.66 jointly have a gabled roof that is largely uninterrupted by insertions such as dormers and roof lights. Properties within the immediately surrounding area have different styles of roof forms, however, most of them, like the appeal site, are also unimpaired. As such, original roofscapes free from clutter are a characteristic feature of the area.
10. The CA Character Appraisal ("the Appraisal") describes within section 6.6 the extent of loss, intrusion or damage with regard to roof alterations. It states where bulky projecting dormer windows have been installed to rear elevations, it has a detrimental impact on the character of the roofscape, which is an important aspect of the character of the Conservation Area.
11. According to the Council and appellant, the proposed rear dormer would span 4.1m across the width of the roof. I acknowledge that it would be set in, set down and set back with matching materials and that it has been sympathetically designed in terms of materials.

12. Nonetheless, given the modest nature of the appeal property and unimpaired roofscape of both it and its immediate neighbour and the surrounding properties, the proposed dormer would span a significant distance across the roof and would be a bulky addition when viewed from the street scene. The views in and around Hayland Close are key to an appreciation of the CA's character with regard to uninterrupted roofscapes that do not detract from pleasant far distance views and so in my view this locality is particularly sensitive to a change of this kind. It would thus be an incongruous feature in a locality in which I saw on my visit that similar large-size dormers are not readily apparent.
13. The roofscape can be an important aspect of the character of conservation areas and the Appraisal warns against further examples of bulky projecting dormers. In this case, the proposal would be visible in particular from a part of the CA that makes a discernible contribution to its significance. Taking all these factors into consideration, I consider that this element of the proposal fails to preserve or enhance the character and appearance of the CA and would further add to the harm to the CA from this type of development which has been identified within the Appraisal.
14. In support of the appeal, the appellant has provided some examples of rear dormers. However, from my site visit, and on an inspection of the property's wider surroundings, dormers were not a prevalent or even a common feature and the rear dormers the appellant refers to appear to be in the minority. As such, large-size projecting dormers in highly visible locations are not a characteristic feature of the immediate vicinity or wider CA.
15. For these reasons, I conclude that the rear dormer would harm the character and appearance of the host dwelling, street scene and CA. The proposed development therefore conflicts with policies DMP1 and DMP7 of the London Borough of Brent Local Plan, Development Management Policies, November 2016 ("the Local Plan"), which seeks to ensure developments are well designed and conserve heritage assets. It would run contrary to the aims of the Appraisal in so far as it seeks to advise on future development within the CA. The appellant states there are no policies or guidance which state proposed dormers should be half the width of the original house, in response to the Council's officer's report which indicates that it fails that test. Be that as it may, this has not played any part in my assessment of the proposed dormer.
16. The harm to the conservation area would be less than substantial. However, no public benefits have been advanced which might outweigh that harm, the benefits being essentially being private in so far as they would provide additional living space for the appellant. This additional space could be viewed as a public benefit in so far as it would be a component of the overall housing stock but that cannot outweigh the harm to the CA which has been identified.

Rear Extension – Character and Appearance

17. The appeal property and neighbouring properties to the west have spacious rear gardens, some of which contain single storey rear extensions. The Appraisal states within section 6.6 that there are examples of extensions that affect the appearance of individual buildings and the open suburban character of the CA by virtue of inappropriate design, scale and poor-quality materials.

18. The proposed single storey rear extension would consist of a mono-pitched roof and incorporate matching materials. These design features would complement the host dwelling. Also, given the size of the rear garden, I do not consider a depth of 3m as proposed by the appellant to be out of proportion with the host dwelling at ground floor level. Nor would it harmfully compromise the open suburban character of the CA when appreciated from the surrounding area. It is noted the Council's Conservation Officer does not object to the proposal so long as it is 3m in depth. In the light of this, I have no reason to disagree.
19. For these reasons, I conclude that the single storey rear extension would not have an unacceptable adverse impact on the character and appearance of the host dwelling, street scene and CA and would preserve the character and appearance of the CA. It would not conflict with policies DMP1 and DMP7 of the Local Plan, as described above and would be in line with the aims of the Appraisal in so far as it seeks to advise on future development within the CA.

Rear Extension – Living Conditions

20. The rear elevations of the appeal property and the neighbouring property No.66 face south and both properties have large-sized, spacious rear gardens. The reduction of the proposed depth from 3.5m to 3m overcomes the Council's initial reason for refusal as it would comply with the Residential Extensions and Alterations, Jan 18, Supplementary Planning Document (SPD). Further, given the spacious rear garden and orientation of No.66, I do not consider the development would be harmfully overbearing to or impact upon the sunlight received by the occupiers of No.66.
21. For these reasons, I conclude that the proposed single storey rear extension would not harm the living conditions of no. 66 having regard to outlook and sunlight. I therefore do not find conflict with Policy DMP1 of the Local Plan or the SPD in so far as they seek to protect neighbouring amenity.
22. The Council referred to Policy CP17 of the London Borough of Brent Core Strategy, Adopted 12th July 2010, in their decision notice. However, as this relates to protecting and enhancing the suburban character of Brent, it has little relevance to the issue at hand.

Conditions

23. In addition to the standard time condition, and the interests of precision, a condition is necessary to ensure the allowed development, the single storey rear extension, is carried in accordance with the approved plans. Furthermore, in the interests of protecting the character and appearance of the area, a condition is necessary to ensure matching materials are used notwithstanding the detail shown on the plans. I impose conditions accordingly.

Conclusion and Recommendation

24. For the reasons given above, and having had regard to all other matters raised, I recommend that in relation to the installation of the rear dormer, the appeal is dismissed, but that in relation to the single storey rear extension, the appeal is allowed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal in respect of the rear dormer is dismissed, but in respect of the single storey rear extension is allowed subject to conditions.

C M Hoult

INSPECTOR