
Appeal Decision

Site visit made on 10 March 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/T5150/D/19/3241889

85 Winchester Avenue, Kingsbury, London NW9 9TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/2927, dated 12 August 2019, was refused by notice dated 16 September 2019.
 - The development proposed is described as a “proposed 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 and Schedule 2, Part 1, Class A requires 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 in the same manner. Following the Council’s consultation, there was an objection which triggered the need for prior approval.

Main Issue

3. The main issue is the effect of the proposal on the living conditions, and therefore the amenity, of the occupiers of the adjoining property at 87 Winchester Avenue (No 87).

Reasons

4. 85 Winchester Avenue (No 85) is a mid-terrace, two storey property with an existing single storey extension which projects from the rear of the property. Attached is No 87 which is a similar property, but which sits at the end of the terrace and has not been extended. The proposal would result in an addition to the existing single storey extension, resulting in a total rear projection of approximately 6 metres (m) from the original rear wall of No 85. As a consequence of No 87 not having been extended, the side elevation of the proposal would stretch for the same distance along the boundary with No 87. I

observed that to the rear of No 87 was a set of doors which appeared to serve a living area, located in close proximity to the shared boundary.

5. The increase in the length of the rear extension, coupled with its height and location, would in my view be likely to result in a loss of light to these doors and thus to the living area within the property. This would particularly be so during the latter part of the day. The proximity of the extension on the boundary, coupled with its length extending from the rear elevation of No 87, would also result in the loss of outlook and an increased sense of enclosure. Accordingly, I find that the extension would unacceptably harm the living conditions, and thereby the amenity, of the occupiers of No 87.
6. Although I noted the presence of fencing along the shared boundary, the extension would project above this and would be more substantial than the fencing. I therefore consider the extension would have a greater effect in terms of curtailing outlook and increasing the sense of enclosure, than that of the existing fence.
7. I note that 83 Winchester Avenue (No 83) has been extended in a similar manner as No 85 currently. Given the increase in length of the extension along the boundary with this property, I find that the proposal would not harm the amenity of No 83.
8. I note the appellant refers to a number of the houses in the area having similar types of extensions. However, I do not have the full details of any other scheme before me and as such I am unable to draw any useful comparisons between the appeal scheme and others in the area, in terms of whether any have taken place adjacent to properties that have not been extended, as is the case in the scheme before me. In any event, I have assessed the proposal on its merits and found that it would result in harm.

Conclusion

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR