



Appeal Decision

Site visit made on 18 February 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: Tuesday, 12 May 2020

Appeal Ref: APP/T5150/W/19/3242721

35 Aylestone Avenue, London, NW6 7AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Andrew Urban against the Council of the London Borough of Brent.
 - The application Ref:18/4595, is dated 3 December 2018.
 - The development proposed is alteration and extension of existing attic room plus 1500mm deep rear extension on ground and first floor.
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Decision

1. The appeal is allowed, and planning permission granted for removal of existing roof dormers and 6 x rooflights, construction of 1.5 metre deep, two storey rear extension, alterations to roof formation and roof extension involving the construction of pitched roof dormers to the north-west and south-east roof slopes, rear dormer with glazed pitch roof and insertion of 10 x rooflights to the dwelling house, in accordance with planning application Council ref: 18/4595, dated 3 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans and documents submitted with the application: 1805.01, dated October 2018; 1805.02, dated October 2018; 1805.03, dated October 2018; 1805.04, dated October 2018; 1805.05, dated October 2018; 1805.06, dated October 2018; 1805.07 dated October 2018; 1805.08b, dated October 2018; 1805.09a, dated October 2018; 1805.10b, dated October 2018; 1805.11b, dated October 2018; 1805.12a, dated October 2018 and the design and access statement dated December 2018.
 - 3) All new external work shall be carried out in materials that match, in colour texture and design those used in the existing building.
 - 4) The rooflights hereby permitted shall protrude no more than 0.15m beyond the roof slope.

Preliminary Matters

2. It is clear from the Council's statement that the plans against which it assessed the proposal were those submitted in December 2018. The appellant submitted amended plans on 21 May 2019 in order to take account of the Council's concerns with the original proposal. Although amended plans were received by the Council, it is not clear whether these plans were ever registered, subject to consultation or formally considered by the Council. I have therefore dealt this appeal on the basis of the plans that were submitted with the original application dated 3 December 2018. For the avoidance of doubt, I have referenced the plans in this decision.
3. The description of development has been amended by the Council and this has been agreed by the appellant. I have therefore used the changed description of development, agreed between the Council and the appellant.

Main Issues

4. The effect of the development on the living conditions of the occupiers of No 37 Aylestone Avenue and on the character and appearance of the area.

Reasons

Living Conditions

5. The Council has provided no development plan support in its statement for its objections to the appeal proposals. It has provided extracts from the development plan: the Brent Core Strategy (BCS) 2010 and the Development Management Policies (DMP) November 2016. From these extracts it appears that Policy DMP 1 of the DMP is relevant to this appeal. It is described as a General Development Management Policy that expects, among other things, siting, layout and design that complements the locality. The supporting text makes clear this includes how development relates to existing buildings and spaces, together with its impact on neighbouring occupiers.
6. The Council's statement makes reference to the '*Residential Extension and Alterations*' Supplementary Planning Document, January 2018. This document contains guidance on how houses in the Borough should be extended. These type of documents offer generalised guidance. However, the guidance needs to be applied carefully to ensure it fits the particular circumstances of the appeal proposal.
7. A main issue concerns the effect of the proposal on the living conditions of the occupiers of No 37 Aylestone Avenue. In particular the loss of light, increased sense of enclosure and loss of outlook caused by the proposal.
8. No 35 has a single storey rear extension close to its boundary with No 37 on part of the site where the proposed two storey extension would be constructed. On top of this single storey rear extension is a balcony with a 2m high wall which acts as a shield, preventing people on the balcony looking directly into the garden at No 37. Therefore No 37 already has a near two storey wall close to where part of the proposed two storey rear extension would be located. The appeal proposal would add a 1.5m long wall which would be as high as the existing eaves of No 35 and a pitched roof sloping away from the boundary.

9. In common with other houses in Aylestone Avenue, No 37 is a large building with a large rear garden but has been subdivided into flats. Its garden and the house itself are not heavily encroached upon by either of its neighbours at No 35 or No 39. It has a pleasant, unconstrained outlook, over its garden. That outlook would continue, largely unaltered, if the appeal proposal were to be constructed.
10. I note what the Council says about the application of the 1:2 rule set out in its guide. However, in this case, given a 2m high wall on top of the existing single storey extension, the minimal amount of new build proposed and the fact that No 37 benefits from an outlook over an extensive rear garden, I do not consider that the proposed two storey extension unreasonably effects the living conditions of the occupiers of the flats at No 37, either through loss of light, increased sense of enclosure or loss of outlook. Therefore, whilst the proposal technically breaches the 1:2 rule it does not harm the purpose the rule is meant to serve; protecting the living conditions of the neighbouring residential occupiers. I therefore conclude that there is no conflict with Policy DMP 1 of the Development Plan, as the development would have minimal impact on the living conditions of the occupiers of the adjacent residential building.

Character and Appearance

11. The Council has objected to the proposal on the grounds that the proposed side dormers adversely affect the character and appearance of the host dwelling and the wider street scene.
12. Whilst the proposed side dormers are large, they are set back from the front elevation and No 35 itself is set back from Aylestone Avenue. The parts of the dormers facing toward Aylestone Avenue would have a sloping tiled roof to match the tiles on the existing house, which would reduce their prominence. Therefore, their visibility in the 'wider street scene' would be limited. The proposal to clad the dormers in tiles that match those on the existing roof would further reduce their prominence and their effect on the host dwelling. I therefore regard the proposed side dormers as acceptable due to their proposed position on the roof, the materials from which they are proposed to be constructed and their proposed design, with roof pitches. I therefore consider that there is no harm to the street scene brought about by the installation of the dormers.
13. The Council has also raised the effect of the proposed rear dormer on the character and appearance of the host dwelling. The proposed dormer looks out on to the rear garden and is not publicly visible. It is proposed to be constructed primarily of glass supported by steel, giving it a lightweight appearance. I consider that whilst the dormer would be large and unusual, given its lack of public visibility and the material from which it is proposed to be constructed, it would have a limited effect on the character and appearance of the host dwelling, with the host dwelling retaining its 'brick and tile' character and appearance even with the proposed rear dormer. I do not therefore regard the rear dormer as being harmful to the character and appearance of the host dwelling.
14. Policy DMP 1 of the DMP seeks amongst other things to ensure that new development complements its locality and relates well to existing buildings. The position of the dormers set back from the front of the house, the use of materials that match the existing roof coverings and the pitch of their roofs,

combine to ensure that they relate well to the existing building. With regard to the rear dormer this is proposed to be constructed of materials that would give it a light weight appearance that would not dominate the existing character and appearance of the house. In these respects, I conclude that the development does not conflict with Policy DMP 1 of the development plan.

Conditions

15. In addition to the standard time limits I have imposed a condition to ensure that it is clear which plans have been approved, for the avoidance of doubt. I have also imposed a condition to ensure that the development is finished in materials that complement the area and blend in with the character and appearance of the existing house. Furthermore, I consider it important in terms of the character and appearance of the area that the impact of the proposed rooflights on the roof of the house is controlled, I have therefore included a condition to ensure that this happens.

Conclusion

16. I find that having regard to all matters before me, including the policies of the development plan, when taken as a whole, the appeal should be allowed, and planning permission granted.

Peter Mark Sturgess

INSPECTOR