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## Appeal Decision

Site visit made on 8 January 2020

**by Neil Smith BA Hons BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 June 2020**

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**Appeal Ref: APP/T5150/D/19/3240577**

**9 Berens Road, London NW10 5DX**

- 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 David O'Brien against the decision of the Council of the London Borough of Brent.
  - The application Ref 19/2206, dated 18 June 2019, was refused by notice dated 14 August 2019.
  - The development proposed is an L shaped dormer loft conversion, installation of French doors with Juliet balcony and front roof lights.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on:
  - i) the character and appearance of the appeal site and surrounding area; and
  - ii) the living conditions of the occupiers of No 11 Berens Road, with particular regard to outlook.

### Reasons

#### *Character and appearance*

3. The appeal property is a two-storey, mid terrace dwelling. It has a two-storey outrigger, which has a flat roof and an eaves height slightly below the eaves height of the main roof. It is in a terrace of dwellings of similar design.
4. The appeal proposal comprises three elements: an 'L' shaped dormer; the installation of French doors with a Juliet balcony; and the installation of front roof lights. It is the 'L' shaped dormer window that forms the Council's reasons for refusal.
5. The proposed 'L' shaped dormer comprises of two elements. One part would extend the full width of the host dwelling, be to the full height of the ridge of the main roof and be in line with the main rear wall of the host property. This would mirror the dormer on the adjacent property, No 11, and would add some balance to this part of the roof when viewed from the adjacent properties. The other element would extend over part of the existing outrigger and I saw from my site visit that the adjoining properties do not have similar additions. When

- considered together, the overall 'L'-shaped dormer would be unacceptably disproportionate to the scale of the existing dwelling and have an unbalancing effect on it, due to its excessive size and bulk.
6. The appellant argues that the flat roof reflects that of the original roof and has been sensitively designed to respect and reflect the character and proportions of the host building. However, this does not overcome the significant harm from its unbalancing effect on the host property and the surrounding area.
  7. The appellant has also provided two appeal decisions. One at a property in Bathurst Gardens whereby the Inspector stated that there are a number of other roof extensions which would be similar to the proposal, which extend over rear projections and are a characteristic of the area. This is not the case in this instance. The other appeal at Lindsay Drive involved a hip to gable roof formation with rear dormer. For these reasons, the decisions have had little bearing on the outcome of this appeal.
  8. The appellant has also provided an appeal decision at a site in Tubbs Road relating to a certificate of lawful use or development and stated that the proposed roof extension would be classed as Permitted Development. There is no formal determination before me that this particular appeal scheme is, indeed, Permitted Development. An application for planning permission has been submitted and I am considering the proposal on its planning merits.
  9. I have had regard to the Council's Residential Extensions and Alterations, Supplementary Planning Document 2 (SPD2) (January 2018). Amongst other things, it states that dormers that project onto or over a rear projection, whether it is original or an extension to the house, will not normally be permitted.
  10. Concluding on this main issue the proposal would, by virtue of its size and overall bulk, be out of keeping with the host property, resulting in an unduly dominant addition to the roof harmful to the character and appearance of the appeal site and the surrounding area. Accordingly, the proposal conflicts with Policy DMP1 of the London Borough of Brent, Development Management Policies (DMP) (2016) and the SPD2 which require, amongst other things, development to be of a design and scale that complements the locality.

#### *Living conditions*

11. I saw from my site visit that the neighbouring property, No 11, has two first-floor windows on the rear outrigger which have obscured glazing. There are also ground and first-floor windows on the main rear wall which serve habitable rooms.
12. Whilst the part of the dormer that would be above the outrigger would marginally increase the height of the side wall, it would only extend over part of the rear addition and it would not be any closer to the windows on the rear wall of No 11. Views of the proposed dormer from the windows would be visible at an oblique angle however, this would have no significant harm to the outlook, as views into the rear garden area would be maintained. Views from the first-floor windows on the side elevation of the outrigger would not be affected given they have obscured glazing.
13. The proposal would comply with DMP1 of the DMP and the SPD2, which require, amongst other things, development to maintain high levels of amenity.

## **Conclusion**

14. Whilst the development would not cause unacceptable harm to the living conditions of the occupiers of No 11, the proposal would cause significant harm to the character and appearance of the appeal site and surrounding area. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

*Neil Smith*

INSPECTOR