



Appeal Decision

Site visit made on 25 August 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2020

Appeal Ref: APP/T5150/W/20/3249905

10A Bolton Road, Flat B, London NW10 4BG

- 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 Hennessey against the decision of the Council of London Borough of Brent.
 - The application Ref 19/2790, dated 5 August 2019, was refused by notice dated 2 October 2019.
 - The development proposed is creation of a roof terrace over back addition and alterations to existing loft rear dormer.
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Decision

1. The appeal is allowed, and planning permission is granted for is creation of a roof terrace over back addition and alterations to existing loft rear dormer at 10A Bolton Road, Flat B, London NW10 4BG in accordance with the terms of the application, Ref 19/2790, dated 5 August 2019, subject to the following 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: ST_NOV17_10 BOLTON_00 (Site and location plan) and ST_APR19_10 BOLTON_01 (Existing and proposed plans, sections and elevations).
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the application form.
 - 4) Prior to the first use of the roof terrace, the privacy screen shall be installed to a height of 1.7m above the level of the terrace in accordance with the approved plans. It shall then be permanently retained for the lifetime of the development and any replacement glazing shall be obscured glazed.

Appeal Procedure

2. 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.

Main Issues

3. The effect of the proposal upon 1) the character and appearance of the host dwelling and surrounding area, and 2) the living conditions of occupants of No. 8 Bolton Road with regards to privacy, outlook and whether the proposal would have an overbearing impact.

Reasons for the Recommendation

Character and appearance

4. No. 10 is a mid-terraced two-storey dwelling with a two-storey rear outrigger, located at Bolton Road in Harlesden area of London. The property has been converted into two self-contained flats. The appeal proposal relates to the upper floor flat which has an additional rear dormer to create additional living space. The surrounding area is residential and is characterised by terrace blocks of two-storey dwellings with enclosed, compact gardens at the rear and two-storey rear outriggers.
5. The section of roof that would house the proposed balcony is not unduly prominent in the street scene due to its position tucked between the roofs of rear outriggers and as described, the height of the obscure glazed screening would not exceed the ridge height of the outrigger. In addition, the proposed plans show that the privacy screen would be set back by approximately 3.2 metres from the edge of the roof. The combination of the set back and the tight urban grain, with buildings set hard together, would effectively limit views of the terrace and screening.
6. If one was stood on the ground at the rear in the immediate vicinity looking up the terrace and screen would have a limited effect on the impression of the rear elevation. Due to the steep angle of the view and the degree of set back the features would be largely imperceptible. The main image would remain the rear elevation of the building with the dormer and Juliet balcony and the outrigger. In longer range views from upper floor windows of neighbouring properties, the impact would be limited, and any glimpses of the screening would be fleeting. Even then it would be set against the backdrop of the taller element of the rear dormer with Juliet balcony in a more prominent position. Whilst the proposal would alter the original form of the roof, the main section of the roof has been altered substantially as a result of the large dormer window. That altered roof form sets the context for the proposal and the privacy screen would be viewed as a small ancillary addition to the rear dormer.
7. I find that the proposal would not, by reason of its size and positioning, unacceptably alter the profile of the roof, and appear out of place and too prominent to the detriment of the design and character of the property and the surrounding street scene. Accordingly, I find no conflict with Policy DMP1 of the London Borough of Brent, Development Management Policies (DMP) (2016) and policy CP17 of Brent's Core Strategy (2010) which require, amongst other things, development to be of a design and scale that complements the locality.

Living conditions at no.8 Bolton Road

8. The proposed roof terrace would be incorporate obscured glass balustrades to a maximum height of 1.7 metres and as previously stated, would be setback from the hipped end of the outrigger. As such, it would not afford views into

- no. 8 Bolton Road. The Council contends that there would likely be an overlooking and privacy risk, when the occupiers at the appeal property use the elevated steps to enter and leave the roof terrace. The steps are of a very short flight and would only be used to provide access to the balcony. It is not expected that occupants would linger on these stairs for long periods other than to enter and leave the terrace. As such, any views if at all, would be fleeting and would not constitute harm to the privacy of occupants of no.8.
9. Furthermore, by virtue of being slightly set back from the existing side wall of the outrigger, the roof terrace screening would not be at a distance where it would appear overbearing when viewed from rear windows of the main building and side windows of the outrigger at no.8 Bolton Road. Given the set back, the height of the screen and the steep angle of view I am satisfied that the outlook from neighbouring windows in number 8 would not be unduly affected.
10. I find that the proposal would not result in a significant increase of overlooking and loss of privacy to the occupiers of No.8 Bolton Road. In addition, the terrace screening would not appear overly dominant affecting the outlook and increasing the sense of enclosure of this property significantly. Accordingly, I find no conflict with Policy DMP1 of the London Borough of Brent, Development Management Policies (DMP) (2016) which require, amongst other things development to maintain high levels of amenity.

Conditions

11. In addition to the standard time limit condition a condition is necessary to ensure that the proposed development is carried out in accordance with approved plans, in the interests of clarity. It is also necessary to attach a condition to ensure that the materials used are in accordance with the details on the application form in order to ensure a satisfactory appearance. Also, in order to preserve the amenity of occupants of neighbouring properties, the privacy screening would be installed prior to use of the roof terrace in accordance with specified height.

Conclusion and Recommendation

12. For the reasons given above and having had regard to evidence before me, I recommend that the appeal should be allowed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR