



Appeal Decision

Site visit made on 7 September 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 October 2020

Appeal Ref: APP/T5150/D/20/3251302

32 Windermere Avenue, London NW6 6LN

- 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 Ms Daisy Uribe¹ against the decision of the Council of London Borough of Brent.
 - The application Ref 20/0556, dated 17 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is to replace the existing partial side extension with a new full-length side extension.
-

Decision

1. The appeal is allowed, and planning permission is granted for construction of a new full-length side extension to replace the existing partial side extension at 32 Windermere Avenue, London NW6 6LN in accordance with the terms of the application, Ref 20/0556, dated 17 February 2020, 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:
 - L(-1) 101.1 (Site Location Plan)
 - L(-1) 102.1 (Site Block Plan)
 - L(-2) 101.1 (Existing Ground floor plan)
 - L(-2) 102.1 (Existing First floor plan)
 - L(-3) 101.1 (Existing Section AA)
 - L(-3) 102.1 (Existing Sections BB and CC)
 - L(-4) 101.1 (Existing Elevations)
 - L(-2) 301.1 (Proposed Ground Floor Plan)
 - L(-2) 302.1 (Proposed First Floor Plan)
 - L(-3) 301.1 (Proposed Section AA)
 - L(-3) 302.1 (Proposed Sections BB and CC)
 - L(-4) 301.1 (Proposed Elevations)
 - L(-2) 301.1D (Proposed Ground Floor Plan-Demolition)
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match those used in the existing building.

¹ Title taken from appeal form

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.

Preliminary Matters

3. The site lies within the Queen's Park Conservation Area (the 'CA'). The Council considers that the proposal would have an acceptable impact on the character of the host dwelling and of the street scene and thus would preserve the character and appearance of the CA. I find no reason to disagree, given the discreet location to the rear and the modest scale of the proposal.

Main Issue

4. The main issue is the effect of the proposal the living conditions of occupants of 34 Windermere Avenue, with particular reference to overshadowing and overbearing impact.

Reasons for the Recommendation

5. No 32 is a mid-terrace two-storey dwelling with two-storey rear outrigger and a single-storey extension to the side of the outrigger located at Windermere Avenue in North West London. The proposal is to demolish the existing partial side extension and replace it with a new full-length side extension which would extend to the boundary with no 34.
6. The Queen's Park Conservation Area Design Guide (2013) recommends a height of 2 metres at the boundary when measured from the neighbour's side in order to protect amenity. It also recommends a height of 3 metres where the proposed infill meets the wall of the host dwelling².
7. The proposal would be 2 metres at the boundary and about 2.7 metres at its tallest where it meets the wall of the host dwelling. The Council contends that the height of the proposal rises to about 2.5 metres only a short distance from the boundary. The appellant has demonstrated in their appeal statement that the proposal would still sit within the footprint of the existing infill and would be at about the same height at this point with the incline of the existing roof.
8. I recognise that there would only be a small set-in from the shared boundary before the extension reached the height of 2.5 metres. It is debatable whether that accords with the aims of the Design Guide, even though the height at the boundary would only be 2m. In any case, if there would be any breach it is considered it would be marginal and the additional height and the small set-in from the boundary would not result in the proposal being at a scale where it would have an unduly dominant appearance and would appear overbearing and oppressive when viewed from when viewed from the side windows at no. 34 Windermere Avenue. Neither would it create an undue sense of enclosure such that the levels of daylight reaching the side windows which serve habitable rooms would be reduced.
9. In the context of the existing rear extension and the proposed design I find that the proposal would not result in an unduly overbearing impact and

² Section 3.2 Rear Extensions

unacceptable sense of enclosure to the adjoining property at No. 34 Windermere Avenue, to the detriment of the living conditions of the occupants of this property. 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

10. 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 match those on the original property in order to ensure a satisfactory appearance.

Conclusion and Recommendation

11. 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

12. 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