

Appeal Decision

Site visit made on 30 September 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/T5150/D/20/3254165
213 Chaplin Road, Wembley HA0 4UR

- 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 R Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/0510, dated 13 February 2020, was refused by notice dated 6 April 2020.
 - The development proposed is a single storey side to rear extension and garage conversion.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side to rear extension and garage conversion at 213 Chaplin Road, Wembley HA0 4UR in accordance with the terms of the application, Ref 20/0510, dated 13 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: LAK.PA.2020.A101 Rev.P01, ROH.PA.2020.PA102 Rev.P01, ROH.PA.2020.PA103 Rev.P01, ROH.PA.2020.PA104 Rev.P01 and ROH.PA.2020.PA105 Rev.P01

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the occupiers of i) 215 Chaplin Road (No 215) with specific regard to light, outlook, enclosure or overbearing, and ii) 211 Chaplin Road (No 211) with specific regard to overlooking.

Reasons

3. The appeal site is a semi-detached bungalow on a large plot, with an existing detached garage to the side. The site has an existing terraced area to the immediate rear of the house, and the ground falls away to the rear. The attached neighbour, No 211 has been extended to the side and rear.
4. Subsequent to the determination of the appeal proposal by the Council, planning permission has been granted for a similar proposal on the site, albeit

with the corner closest to the boundary with No 215 removed and the patio shortened. It appears that there is a real prospect of that development taking place and as a result, I consider that permission, and its similarities to the appeal proposal before me to be a material consideration of some weight in this appeal.

Living conditions of the occupiers of No 215

5. No 215 is a semi-detached two storey house, also with a detached garage to the side, adjacent to the boundary with the appeal site. The appeal site is screened from the rear of No 215 by a fence and a number of conifer trees within the neighbouring garden. No 215 also has an existing single-storey rear extension to the rear. The appeal proposal is flat-roofed and would be no taller than the existing eaves height of both the garage and the main house itself. The rear walls of the appeal site and No 215 are not parallel, being angled slightly away from each other. Given the distances and scale involved, I do not therefore consider that the proposal would be likely to give rise to any unacceptable effects on the living conditions of the occupiers of No 215 with regard to any loss of light, outlook, or increased enclosure or overbearing.
6. I note the reliance of the Council on the conflict between the appeal proposal and the guidance in the Residential Extensions and Alterations SPD2, 2018 (the SPD). Although this SPD sets limits for the acceptable size of extensions, it does so in the context of providing guidance to assist in ensuring that development conforms to the overall aims of Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies 2016 (the Local Plan). In addition, the SPD notes that extensions should be designed to represent the character and size of the house they extend and requires that extensions generally have regard to the predominant character of the area. I consider that the proposal achieves that.
7. Whilst the proposal does not strictly conform to the requirements of the SPD, I consider that it does comply with the requirements of Policy DMP1 of the Local Plan to ensure that development is of a scale, detailing, design and layout which complements the locality and provides high levels of internal and external amenity for occupiers of surrounding properties. I have also had regard to the relationship between the appeal proposal and the fall-back position created by the subsequent planning permission.

Living conditions of the occupiers of No 211

8. The appeal site is located on a sloped site, with garden levels falling away to the rear. There is an existing patio area, with a set of steps to the sloping grass. The appeal proposal will build over the existing patio area and create a new patio area. Given the existing relationship between the appeal site and the garden of No 211, the views already possible as well as the close-boarded fencing which runs along the boundary between them, I do not consider that the patio in the appeal proposal would give rise to any significant additional, or otherwise unacceptable overlooking beyond that which can already occur. I also do not consider that the appeal proposal would cause any materially increased overlooking or loss of privacy beyond that which could arise from the fall-back position referred to above.
9. I therefore consider that the proposal would not cause harm to the living conditions of the occupiers of No 211 with specific regard to overlooking and

would comply with Policy DMP1 of the Local Plan and the guidance in the SPD. It would provide high levels of internal and external amenity for the appellants and occupiers of adjoining properties, in a manner complementary to the area.

Conclusion

10. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1), requiring the use of matching materials (2) and compliance with the submitted plans (3), in order to ensure the satisfactory appearance of the completed development.
11. Whilst I acknowledge the minor conflict between the appeal proposal and the specific guidance on length of extensions in the SPD, I consider that the proposal otherwise accords with the requirements of the Local Plan and the SPD to ensure that development is appropriate for, and compatible with its surroundings, and provides suitable levels of amenity for future occupiers and the occupiers of surrounding properties. Therefore, for the reasons given above, the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR