The Planning Inspectorate

Appeal Decision

Site visit made on 30 September 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/T5150/D/20/3255101
63 Paxford Road, Wembley HA0 3RJ

- 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 Bhalla against the decision of the Council of the London Borough of Brent.
- The application Ref 20/0460, dated 10 February 2020, was refused by notice dated 17 June 2020.
- The development proposed is a single storey rear infill extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 61 Paxford Road (No 61) with specific regard to any effects on light and sense of enclosure.

Reasons

3. The appeal site is a semi-detached property set in a large plot, with a substantial rear garden. There is an existing rear projecting element, set away from the boundary with the adjoining neighbour, as well as a shorter, single-storey rear extension with a glazed patio door adjacent to the boundary with the attached neighbour. This arrangement is mirrored on the attached property and replicated elsewhere in the street.

4. Extending the appeal property along the common boundary as proposed would, in my view lead to the rear window of the neighbouring property being unduly enclosed. It would, in effect, lie at the end of a tunnel between the proposal and its own existing rearward projection. I also consider that this would cause an unacceptable loss of light to the room served by that window. Overall therefore, the proposal would harm the living conditions of the occupiers of the neighbouring property as a result of an increased, unacceptable sense of enclosure and loss of light.

5. I acknowledge that there are other properties in Paxford Road which have been extended to the rear, and I was able to see some of these from the appeal site during my visit. However, none of the extensions which I was able to see appeared to give rise to the same tunnelling effect as the proposal before me; involving either extensions outwards from a shared boundary or similar alterations on each side of a shared boundary.

6. I note that the length of the appeal proposal over and above that considered acceptable in the Supplementary Planning Document 2: Residential Extensions and Alterations 2018 (the SPD) is relatively minor, and that it would result in the end wall of the proposal being flush with the existing rear projection. However, it is the siting of the proposal on the shared boundary and the effect on the living conditions of occupiers of the neighbouring property which give rise to the harm I have identified, rather than the exceedance of the measurements in the SPD.

7. The site lies within the Sudbury Court Conservation Area (the CA). As the proposal only affects the rear of the property, I agree with the assessment of the Council that the proposal would preserve the character of the CA and would not harm its significance as a designated asset.

8. As a result of the harm I have found to the living conditions of occupiers of the adjacent property, the proposal would be contrary to Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies 2016 and guidance in the SPD. These seek, amongst other things, to ensure that development provides high levels of amenity internally and externally.

Other Matters

9. I note the complaint of the appellant that the Council did not determine the application within the statutory time limit. Whilst I acknowledge that this may have caused some frustration, given the timings of the application, its deadline and the decision of the Council in relation to world events, this is perhaps not surprising. In any event, I note that no application for costs has been made, and this matter is not material to my determination of the appeal.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR