



Appeal Decision

Site visit made on 12 October 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2020

Appeal Ref: APP/T5150/D/20/3244353

148 Regal Way, Harrow HA3 0SQ

- 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 and Mrs Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/3230, dated 11 September 2019 was refused by notice dated 28 October 2019.
 - The development proposed is described as "erection of a single storey side and rear extension and front porch; hip to gable loft conversion with construction of rear facing dormer and installation of two rooflights to front roof slope".
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Decision

1. The appeal is dismissed.

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 appellant has provided further plans with the appeal. However, this recommendation is made on the basis of the plans before the Council at the time of its decision.

Main Issue

4. The main issues are the effect of the development on (i) the character and appearance of the host dwelling and the surrounding area; and (ii) the living conditions of the neighbouring residents of No. 146 and No. 150 Regal Way, with particular regard to outlook, light and privacy.

Reasons for the Recommendation

Character and appearance

5. The appeal site is located on the north eastern side of residential Regal Way and comprises a semi-detached property with attached garage. While there are a variety of dwelling designs in the area the property is experienced as a pair of semi-detached dwellings with a high level of consistency in terms of style and scale when viewed from the street. Of particular note is the distinct catslide roof,

reflected across the road by a similar pair of dwellings. The symmetry and detailed design combine to create a pleasing and attractive property.

6. Along the front elevation the proposal would result in a single storey side extension to replace the current garage and a front porch, built from materials to match the existing dwelling. The dimensions of the porch are acceptable and would ensure a proportionate addition to the dwelling. However, when combined with the side extension it would result in a discordant feature, upsetting the form and style of the dwelling. In particular, it would cause a break in the catslide roof, harming the character of the property and reducing the symmetry with the neighbouring dwelling. This would result in the proposal appearing out of place, particularly when experienced in the context of the similar properties opposite. While permission has already been granted for a porch at the property, from the information submitted this does not appear to impact the roof to the same extent as the current proposal. Similarly, while permitted development rights may permit construction of a porch, the combination of the porch and side extension is the issue in this instance.
7. The proposal would also incorporate a front window on the side extension that would differ in shape and proportion to the existing fenestration, further highlighting the extension as an out of place addition.
8. To the rear the proposal would result in a single storey extension, raised patio area and dormer window. The extension would run along most of the patio width, extending beyond the current side elevation of the main dwelling. It would project for a depth of 4.5 metres with a height of 3.6 metres from the lower ground area. While it would not be visible from Regal Way, it would appear as a dominant addition to the rear, failing to respect the proportions of the existing dwelling. The Residential Extensions and Alterations SPD2, November 2017 (the SPD) advises that the maximum depth of the proposal may be 6 metres, provided that beyond 3 metres it is set in from the boundary. The SPD further advises that the maximum height should be 3 metres. The proposal fails to accord with this and while the SPD represents guidance rather than policy, it remains a material consideration.
9. It is acknowledged that permission has been granted for a rear extension of the same depth at the property. However, the proposal incorporates a wider extension. This increases its dominance, lessening its subservient nature and impacting upon the property dimensions so as to be at odds with the dwelling's character.
10. The dormer would also appear as a prominent addition, dominating the rear roofscape and failing to comply with the SPD dimensions. When combined with the rear extension it would result in a dwelling with a level of built form that does not respect the original nature of the property. Furthermore, its materials and large amount of glazing would result in an overtly modern addition, failing to respect the current style and design of the dwelling. I recognise that a similarly large dormer is present on the neighbouring dwelling but little information is before me regarding the planning status of that structure. Consequently, I am not satisfied that its presents represents justification for further harmful development to the rear roofscape that would be caused by the current proposal.
11. Permission has been granted for a dormer window at the property which is narrower than the proposal. However, it would have different facia treatment and less glazing. As such, it would not share the overtly modern design which is a key element as to why the proposed dormer would appear out of place.

12. For all of those reasons I find that the development has a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it would fail to comply with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies, November 2016 (the Local Plan) and the SPD.

Living Conditions

13. The rear extension and raised patio would be located close to the boundaries with No. 146 and 150 Regal Way, projecting beyond the rear elevations of those properties. While the proposal would be visible from the rear windows of both properties when looking in the direction of the appeal site, the principle outlook from these windows towards the long, rear gardens would remain unchanged. The proposal would also be visible from these gardens, separated by small boundary fences. However, screening present at No. 150 would ensure that it would not be an unduly dominant addition from this viewpoint.
14. With regards to No. 146, which is set further forward, the proposal would tower above the small boundary fence. It would be particularly visible from the raised patio where it would introduce a long element of brick wall. Due to the shape of the extension at No. 146, the proposal would also result in a tunnelling effect at the rear sliding doors. From these locations it would appear overbearing. While other side and rear extensions have been approved at the property, the proposal incorporates additional built form that would increase the tunnelling effect and overbearing nature from the gardens at No. 146.
15. With regards to privacy, the rear gardens of these properties are currently somewhat open and the addition of the rear extension and raised patio would not result in significant further overlooking. The rear garden of No. 146 is wholly visible from the existing patio at the appeal site and the screening to the boundary with No. 150 would continue to preserve an element of privacy with the proposal in place. It is further noted that the appellant is amenable to the suggestion for obscured glazing.
16. While no daylight surveys have been provided, the proposal would not result in significant impacts on the light experienced by the neighbouring properties. Although additional built form would be introduced along the boundaries, the long, open rear gardens coupled with the north eastern orientation would ensure that the impact of the proposal in this regard would be minimal.
17. Accordingly, I find that the development would not have a significant adverse effect on the living conditions of the residents No. 146 and No. 150 Regal Way with regards to privacy and light, or of the residents of No. 150 with regards to outlook. However, it would have a significant adverse impact on the living conditions of the residents of No. 146 with regards to outlook. Accordingly, it would fail to comply with Policy DMP1 of the Local Plan and the SPD.

Other matters

18. The appellant has referred to both permitted development rights and granted permissions as examples of a fallback position. However, as outlined above differences in the proposal lead to a greater impact on both main issues. In addition, as it stands, both previous approvals could not be constructed simultaneously because they are 2 different schemes which could not co-exist. The appellant maintains that this could be resolved by making a section 73A application

to vary the approved plans for one of the approved schemes. Despite the appellant's contention that the Council would be obliged to approve such a scheme that would be a matter for it to consider and it is not for me to make such an assessment. As it stands, both schemes could not be constructed simultaneously and that limits the weight I can attach to any suggested fall-back. In any event, that does not alter my conclusion because the combined impact would be less than that of the appeal scheme.

19. Reference has been made to other examples of similar development in the surrounding area. However, limited information has been provided and the symmetry and specific nature of the layout at the appeal property has been a key element of my recommendation. While consistency in decision making is important, this appeal is decided on its own site-specific circumstances and reference to other development nearby does not outweigh the harm identified above.

Conclusion and Recommendation

20. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

21. 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 dismissed.

C Preston

INSPECTOR