
Appeal Decision

Site visit made on 22 October 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date:

Appeal Ref: APP/T5150/D/20/3250262

41 Dollis Hill Avenue, London, NW2 6EU

- 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 M Khan against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/0353, dated 3 February 2020, was refused by notice dated 1 April 2020.
 - The development is the erection of a two-storey side extension, a side and rear single storey extension, installation of one front rooflight and front porch extension to dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension, a side and rear single storey extension, installation of one front rooflight and front porch extension to dwellinghouse at 41 Dollis Hill Avenue, London, NW2 6EU in accordance with the terms of the application Ref 20/0353, dated 3 February 2020, subject to the following condition:

The development hereby permitted shall be completed in accordance with the following approved plans: Drawing Ref Nos. 41DHA/OSA; 41DHA/01A; 41DHA/02A; 41DHA/03A; 41DHA/04A & 41DHA/05A.

Preliminary matters

2. The Council varied the description of the proposed development shown in the application form. The Council's decision notice describes the proposal as 'a two-storey side extension, installation of one front rooflight and front porch extension to dwellinghouse'. However, the submitted plans also show a side and rear single storey extension. Whilst a rear single storey extension has been the subject of a previous prior approval application, for the avoidance of doubt, having regard to the submitted plans, I shall amend the description of the development to include a reference to the side and rear single storey extension.
3. Pursuant to the refusal of permission that led to this appeal, the appellant submitted another, revised application to the Council, which was granted permission¹. The approved plans are almost identical to those subject of this appeal. The main difference relates to the treatment of the rear single storey extension where it adjoins the neighbouring property, 43 Dollis Hill Avenue.

¹ Ref 20/1082 dated 20 May 2020.

4. Recently, planning permission has been granted for a rear single storey extension at 43 Dollis Hill Avenue². Copies of the approved plans have been made available to me.
5. The works subject of the appeal had been substantially completed at the time of my visit.

Main issues

6. The main issues, having regard to the Council's reason for refusal, are the effect of the development on the character and appearance of its surroundings and on the living conditions of neighbouring residents at 43 Dollis Hill Avenue.

Reasons

7. As mentioned above, a planning permission for the substantial extension of the property has been obtained since the submission of this appeal. Given the similarities between the previously approved plans and those subject of the appeal, I cannot but conclude that the proposal before me now satisfies the Council, as to its effect on local character and appearance. Moreover, the permission granted last May acts as a fall-back upon which considerable reliance can be placed by the appellant.
8. Since the development is substantially complete, the required assessment as to its alleged effects is made that much easier. I can confirm that the development has been tastefully designed, and sits acceptably within its visual and spatial context.
9. The Council consider the single storey rear extension would impact harmfully on the residents of 43 Dollis Hill Avenue by reason of the rear extension being 4m in depth along the common boundary as opposed to the 3m depth deemed acceptable under the terms of its adopted Supplementary Planning Document (SPD) on Residential Extensions and Alterations.
10. However, neither the reason for refusal, nor the officer report, specify the nature of the harm that, allegedly, would be caused. Having regard to the visual evidence obtained at my visit, the additional depth of 1m or so, notwithstanding the SPD's guidance, would have little or no impact on the amenities currently enjoyed by No 43's residents.
11. Moreover No 43's residents, as indicated above, have recently obtained permission to extend at the rear. The approved single storey extension would run along the boundary with No 45 for a depth of 4m. When built it would thus be flush with that proposed for No 45 under the terms of this appeal. But even if that permission were not implemented, having regard to my comments in the previous paragraph, No 43's amenities would not be harmed.
12. Accordingly, I conclude that whilst the development does not fully comply with the detailed provisions of the Council's SPD, it would not harm the character and appearance of its surroundings or the living conditions of neighbouring residents. The development would thus not conflict with those aspects of Brent's Development Management Policies Document policy DMP1 requiring new development to complement the locality and to provide high levels of external amenity.

² Ref 20/2464 dated 8 October 2020.

Conditions

13. The Council has suggested the impositions of conditions in the event of planning permission being granted. Since the development is substantially complete the statutory condition relating to the timing of the commencement of development is unnecessary, as is the suggested condition on external materials, which I found acceptable. However, in so far as any further works remain necessary, and for the avoidance of doubt, a condition is imposed identifying the plans approved under the terms of this permission.

Other matters

14. All other matters raised in the representations have been taken into account. Whilst not decisive in my considerations, I note that none of the neighbours living either side of the appeal site objected, despite being notified of the proposal.
15. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusion that the appeal should be allowed.

G Powys Jones

INSPECTOR