
Appeal Decision

Site visit made on 1 December 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/T5150/D/20/3260337
16 Clifton Avenue, Wembley HA9 6BW

- 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 & Mrs Bowen against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/1969, dated 6 July 2020, was refused by notice dated 28 August 2020.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that the Council in the submitted delegated report state that the draft London Plan has recently been subject to an Examination in Public and is now at the intend to publish stage. The document therefore carries significant weight. However, I have not been provided with any specific policies deemed to be relevant to the appeal case. Therefore, my decision focuses on the policies contested within the Decision Notice.
3. Whilst reference to the cost regime is referred to in the appellants appeal documents a formal application for those has not been pursued.

Main Issues

4. The main issue is the effect of the first floor rear extension on the: (i) the character and appearance of area; and (ii) neighbouring living conditions having regard to light and outlook.

Reasons

Character and appearance

5. The appeal dwelling is situated within a row of terraces. The rear elevations of the properties forming the terrace predominantly have a uniform appearance with simple uncluttered first floor facades and pitched main roofs. The uniform appearance of the properties forming the row is an attractive component of the character of the area and local distinctiveness.
6. The proposed extension would be built on top of an existing ground floor rear extension. The depth and width of the proposed first floor extension would tie in with that. However, its height and mass would significantly alter the uniform

appearance of the rear elevation of the dwelling relative to other properties forming the terrace. The flat roof design of the extension would fail to integrate successfully with the pitched main roofs of the terraces and would be a prominent feature when viewed from residential gardens close to the appeal property. Moreover, the resultant break in the consistency of first floor elevations evident within the row would be an insensitive change. It would detract from the attractive uniform design of the properties in this location and would lead to substantial visual harm albeit from residential garden area vantages.

7. I therefore conclude that the proposal would harm the character and appearance of the area. It would conflict with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies Document November 2016 which seeks that development compliments the appearance of the locality.
8. I do not find specific conflict with Brent's Residential Extensions and Alterations SPD2 in relation to character and appearance impacts as the document focuses on living conditions matters.

Living conditions

9. The first floor extension would be situated very close to the boundary and windows of neighbouring terraced properties either side. The Council's Residential Extensions and Alterations Supplementary Planning Document Jan 18 (SPD2) specifically highlights that two storey rear extensions to terraced properties can result in unacceptable impacts to neighbouring occupiers in terms of loss of light and outlook.
10. Whilst the proposal is a first-floor extension it would have the effect of a two storey addition and therefore reference to the SPD is relevant. The SPD details a '1:2 rule' in order to allow an acceptable level of separation between properties. The rule considers the dimensions of a proposed extension relative to the distance achieved to the windows of other properties.
11. The side wall of the proposed first floor extension would be approximately 1.65 metres away from the first floor bedroom window of No.14. The 1:2 rule relates to the distance to the centre of the room concerned and it is clear that it would be in breach of the rule of the SPD. The proximity of the extension would fall well below the separation limits set locally. If allowed the mass and height of the extension in such proximity to the window would be a noticeable and intrusive change. It would erode neighbouring light levels and harm outlook by an unacceptable degree. Whilst the extension is also close to the first floor window of No.18 that window serves as a bathroom and therefore the impact would not be as significant.
12. I have been referred to several appeal decisions involving the application of the advice contained within the SPD2 as well as the content of Policy DMP1. Whilst there are some parallels to the appeal case in how local policy has been applied, they relate to different site locations and different sizes and forms of development involving a range of materially different factors. The application of the 1:2 rule of the SPD is a particular area of concern to the Appellant. Each proposal must, of course, be assessed on the specific circumstances of the case. That is what I have done here. The SPD is guidance and not policy and there is no inconsistency in decision makers applying the guidance in a

particular way in different circumstances. Therefore, those previous cases are of limited assistance in the context of the case before me.

13. I therefore conclude that the proposed first floor rear extension would result in a harmful impact on neighbouring living conditions. It would be contrary to Policy DMP1 of the Brent Local Plan Development Policies Document 2016, and Brent's Residential Extensions and Alterations SPD2 which combined seek to provide high levels of amenity, and to protect light and outlook levels.

Other Matters

14. The appellant also refers to several other considerations including economic impacts, Covid 19 and the requirements for families to have additional internal space. I have carefully considered all those additional points, but I do not find they outweigh the harm I have identified in the main issues of the case. This is because the proposed alterations to the property would give rise to long lasting harm and the short-term improvements or benefits referenced do not provide me convincing reasons to alter my decision.

Conclusion

15. For the above reasons I dismiss the appeal.

M Shrigley

INSPECTOR