



Appeal Decision

Site visit made on 20 October 2020

by Sarah Colebourne MA, MRTPI

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

Decision date: 12/01/2021

Appeal Ref: APP/T5150/D/20/3251977

107A Winchester Avenue, Kingsbury, London, NW9 9tB

- 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 Miss Lesley Hunt against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/4539, dated 29 December 2019, was refused by notice dated 17 February 2020.
 - The development proposed is described as a 'a new ground floor rear extension to ground floor flat only'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's decision describes the proposed development as the 'proposed erection of single storey rear extension and installation of new side window to ground floor flat.' It is clear from the submitted documents that this describes the proposal more accurately and this forms the basis for my decision.

Reasons

3. The main issue in this case is the effect of the proposed development on the living conditions of the neighbouring occupiers at 105 Winchester Avenue. The Council's development plan includes policy DMP1 in its Development Management Policies which seeks to provide high levels of external amenity in order to protect the living conditions of neighbouring occupiers.
4. The appeal property is a ground floor flat within an end of terrace property in a residential area of similar properties. It has previously been extended with an L-shaped flat roof extension. The plans show that this projects along the side boundary by some 2.7m. The current proposal, also a flat roofed single storey extension, would project along the side boundary with the adjoining property at no 105 by an additional 6m. It would provide a new dining area and an additional bedroom.
5. No 105 is separated from the appeal site by a fence. It has not been extended along the side boundary and has a patio window very close to the fence. Together with the existing extension, the proposal would result in a total projection of some 8.7m along the side boundary beyond that window. As such, it would significantly exceed the maximum 3m projection allowed in the Council's SPD2 Residential Extensions and Alterations which seeks to provide

- guidance to those looking to extend their homes. This would be unduly overbearing and would create an oppressive sense of enclosure when seen from that window, resulting in an unacceptable outlook for the neighbouring occupiers.
6. Given the siting of the proposal to the west of that window, it would also result in the loss of some late afternoon and evening sunlight. However, as the property faces south west and has a reasonably sized garden, thereby benefitting from a good level of sunlight, the loss would not be significant.
 7. Notwithstanding my findings regarding sunlight, my findings in regard to outlook are sufficient for me to conclude that the proposed extension, by reason of its length, would significantly harm the living conditions of the neighbouring occupiers at no 105.
 8. It may be the case, as the appellant has said, that there are other similar extensions in the surrounding area. However, I am not aware of the circumstances of those, such as whether or not they were built in the same planning policy context and whether or not they are lawful. They do not, therefore, set a precedent for this development.
 9. I have noted that the additional bedroom is needed for additional space for the appellant's son to study and sleep but that does not outweigh the significant harm that would be caused by this proposal.
 10. The appellant has suggested that the plans can be redesigned as necessary but I can only consider the scheme before me and am not able to offer advice on alternative schemes which can be sought under the Council's pre-application advice service.
 11. For these reasons, I conclude that the proposal would be contrary to the Council's development plan policy DMP1 in its Development Management Policies document. There are no material considerations that justify determining the appeal otherwise and the appeal should be dismissed.

Sarah Colebourne

Inspector