



Appeal Decision

Site visit made on 10 February 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021.

Appeal Ref: APP/T5150/D/20/3264424
57 Mora Road, London NW2 6SL

- 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 Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/2104, dated 15 July 2020, was refused by notice dated 10 September 2020.
 - The development proposed is the erection of a single storey side extension and double storey rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development firstly, on the living conditions of the occupiers of 57A Mora Road in terms of outlook, visual impact and sense of enclosure, and on the occupiers of 55 Mora Road with particular regard to light and outlook; and secondly, on the character and appearance of the host building and the local area.

Reasons

3. The Council raises no objection to the new single storey extension that would partly infill the rear recess of the appeal dwelling. I, too, find this element of the appeal scheme acceptable in scale, design, appearance and position. It would respect the intrinsic character and appearance of the host building with no significant harm to the living conditions of others. Therefore, I shall focus on the proposed 2-storey rear extension.

Living conditions

4. The new 2-storey addition would elongate the existing 2-storey projection at the back of the appeal dwelling by continuing its width and rooflines with the rear of the proposed first floor set back from the ground floor. It would lengthen the 2-storey flank wall than runs close to and parallel with the shared boundary between the site and 57A Mora Road. As a result, the extended flank wall would further enclose part of the relatively short back garden of this adjacent detached property from which the new built form would be seen at close range. Because this external space is close to the rear elevations of the dwelling it is likely to be most used and therefore of particular value to the neighbouring occupiers.

5. From what I saw, there is some vegetation along this common boundary that could partially shield and visually soften the new built form when viewed from the back garden of No 57A. To my mind, the outlook from the rear-facing windows of this adjacent property would not be adversely affected given the separation distance involved and the oblique angle of view towards the new built form. Nevertheless, from that part of the back garden of No 57A nearest to the main house and its single storey rear projection, the considerable expanse of unbroken brickwork would be evident at close quarters. The presence of this 2-storey blank wall, as to be extended, would feel unduly imposing given its length, height and position just beyond the common boundary. For these reasons, the proposal would overbear, dominate outlook and unduly heighten a sense of enclosure for the occupiers of No 57A when viewed from their rear garden.
6. The Council's Supplementary Planning Document, *Residential Extensions & Alterations* (SPD2) states that 2-storey rear extensions to terraced properties are normally unacceptable due to the adverse impact on adjoining occupiers. It also notes that in some circumstances 2-storey rear extensions to end-of-terrace properties may be acceptable if they comply with its guidance, particularly the 1:2 rule. Applying this rule means that the depth of any 2-storey rear extension is restricted to half the distance between the sidewall and the middle of any neighbouring nearest habitable room window to a maximum depth of 3-metres. Although the proposal would not exceed this depth, it would have harmful consequences for the residential amenity of the occupiers of No 57A for the reasons given.
7. On the opposite side of the site to No 57A, there is a first floor window in the side elevation of the attached dwelling that according to the Council serves a bedroom. By lengthening the 2-storey flank wall, the proposal would increase the amount of brick wall and roof that would be evident from this bedroom window. However, as the appellant points out, the proposal would be no closer to this window. Furthermore, it already directly faces the side elevation of the appeal property with a modest sized gap between them. In those circumstances, any decrease in the amount of natural light reaching that window or a reduction in the outlook from it would not be significant.
8. Nevertheless, I conclude on the first main issue that the proposed 2-storey rear extension would materially harm the living conditions of the occupiers of No 57A. Of the policies cited by the Council that are most relevant to this issue, the proposal is contrary to Policy DMP1 of Brent's Development Management Policies (DMP) and the guidance within SPD2 insofar as they aim to safeguard residential amenity.

Character and appearance

9. The appeal property is an end terrace dwelling within a tightly knit residential area within which buildings vary in scale, design and general appearance. As a result, there is some variety to the existing built form, which is evident at the rear of the terrace to which No 57 belongs. Other properties in this terrace generally have paired outriggers and some of these have been extended and externally altered. As most of these changes differ in style, size and materials used, the overall visual effect is to give the rear of the terrace of which No 57 forms part a varied profile, which is noticeable from Cedar Road.

10. The proposed development would lengthen the built form of No 57, enlarge its footprint and noticeably add to its scale and mass. Even so, the new 2-storey addition would not be a disproportionate addition compared to the size of the host building. The distinctive 'L' shape of the 2-storey house would be retained and the materials to be used would match those of the host building. As such, the proposal would not spoil the character of the existing dwelling nor appear out of place among the varied built form that characterises the wider terrace and the local area.
11. On the second main issue, I conclude that the proposed development would not cause significant harm to the character and appearance of the host building or the local area. Therefore, it does not conflict with Policy CP 17 of Brent's Core Strategy, DMP Policy DMP1 or SPD2, which require that new development compliments the appearance of the locality and does not erode local character. My favourable finding on this matter does not outweigh the harm that I have identified in relation to the first main issue.

Other matters

12. I have carefully considered the appellant's detailed response to the Officer's report in which the importance of a well designed home with space that meets changing family requirements for living, working, children's play and relaxing are highlighted. I have noted the appellant's rebuttal to the concerns raised by the Council and local residents. While I have taken all of the appellant's statement into account, the additional points raised do not outweigh the significant harm that I have identified.
13. Interested parties raise several additional objections to the proposal, to which I have had regard along with all of the submitted evidence. However, given my findings on the first main issue, these are not matters on which my decision has turned.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR