
Appeal Decision

Site visit made on 15 June 2021

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/T5150/D/21/3269106
16 Holmstall Avenue Edgware HA8 5JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Dr George Yanni against the decision of the Council of the London Borough of Brent.
 - The application Ref. 20/3522, dated 30 October 2020, was refused by notice dated 25 November 2020.
 - The development proposed is prior approval for a single storey rear extension to dwellinghouse in metres: extending beyond the rear wall of the original house -6 m, maximum height – 3.6 m. and eaves height -2.4m.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension to dwellinghouse in metres: extending beyond the rear wall of the original house -6 m, maximum height – 3.6 metres and eaves height -2.4m at 16 Holmstall Avenue Edgware HA8 5JH in accordance with the terms of the application, Ref. 20/3522, dated 30 October 2020 and the details submitted with it including plans nos 2061.01-05 Proposed Elevations, 2066.01-00 Location Plan, 2066.01-01 Proposed Block Plan, 2066.01-02 Existing and Proposed Ground Floor Plan, 2066.01-03 Existing and Proposed First Floor Plan and 2066.01-04 Existing Elevations pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Procedural Matter and Main Issue

2. The provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO), under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4(7), require the local planning authority to assess the proposed development solely on the basis on the amenity of any adjoining premises – taking into account any representations received. Whilst the occupant of an adjacent property has made representations raising matters additional to amenity, my determination of this appeal has been made solely on the basis of amenity. The main issue is

therefore the effect of the proposed development on the living conditions of the occupiers of existing neighbouring properties.

Reasons

3. The appeal property is a semi-detached property which has an existing part single part two storey rear extension covering a substantial proportion of the width of the rear garden. Its garden is separated from the garden at No 14 Holmstall Avenue (No 14) by a high fence which extends along the full boundary length. The proposed conservatory extension which would have a hipped roof would be close to the boundary fence. However its eaves height would be at a similar height to the boundary fence and only the hipped roof would project above the height of this fence. Given that the bulk of the proposed extension would be below the boundary fence and the roof would slope away from No 14 into the appeal site I do not consider that the proposed extension would give rise to a significant overbearing effect.
4. I have noted the concerns expressed by the neighbouring residents. The proposed extension would be visible from No 14 but the principal outlook from No 14 down its rear garden would not be significantly impacted. In addition, the proposed extension would be on the north west side of No 14 and given its scale, height and materials would not lead to a substantive change in light/sunlight reaching the habitable rooms and garden of No 14. As such I conclude that the proposed scheme would not materially affect the amenities of the occupiers of No 14.
5. The separation distances between the proposed extension and No 14 are less than those given in the Brent Residential Extensions and Alterations Supplementary Planning Document -2 (2018) (SPD). However, extensions up to 6 metres in depth are permitted development, albeit subject to site specific considerations and the need for prior approval. As such, I can only give limited weight to the guidelines within the SPD. In the present circumstances and for the reasons explained above, my observations on site lead me to the view that the proposed extension would not result in unacceptable harm to the amenities of the occupiers of No 14.
6. The neighbouring property at No 18 Holmstall Avenue has a substantial single storey extension which runs along a significant proportion of the boundary wall with the appeal property. Due to this and taking into account the form and siting of the proposed extension the impact on those occupants would be very limited.
7. I therefore conclude that the proposal would not result in unacceptable harm to the amenities of the occupants of adjacent properties. There is no statutory requirement to determine the application in accordance with the Development Plan. However the proposal would be in accordance with the general protection given to neighbouring occupiers in terms of amenity contained within Policy DMP1 of the Brent Development Management Policies 2016.

Conclusion

8. For the above reasons, I find that the proposal would not have an unacceptable effect on the amenities of the occupiers of any adjoining premises and consequently I conclude that the appeal should be allowed. The approval hereby granted is subject to the conditions set out in Part 1 of Schedule 2 to

the Order. Particular attention is drawn to condition A4 which requires the development to be carried out in accordance with the approved details which in this case include drawing Nos. 2061.01-05 Proposed Elevations, 2066.01-00 Location Plan, 2066.01-01 Proposed Block Plan, 2066.01-02 Existing and Proposed Ground Floor Plan, 2066.01-03 Existing and Proposed First Floor Plan and 2066.01-04 Existing Elevations.

K Winnard

INSPECTOR