
Appeal Decision

Site Visit made on 27 July 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/T5150/W/21/3266372

22A Herbert Gardens, London, NW10 3BU

- 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 and Mrs Nick and Alicia Norman-Butler against the decision of London Borough of Brent.
 - The application Ref 20/2736, dated 4 September 2020, was refused by notice dated 11 November 2020.
 - The development proposed is a hip to gable and rear roof extension including, pod extension over the rear addition roof.
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Decision

1. The appeal is allowed and planning permission is granted for a hip to gable and rear roof extension including, pod extension over the rear addition roof at 22A Herbert Gardens, London, NW10 3BU in accordance with the terms of the application, Ref 20/2736, dated 4 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers FDB-22HP-A001, FDB-22HP-A102, FDB-22HP-A104, FDB-22HP-A301, FDB-22HP-A302, FDB-22HP-A401, FDB-22HP-A203, FDB-22HP-A204, FDB-22HP-A304, FDB-22HP-A305 and FDB-22HP-A402.
 - 3) Prior to work commencing on the roof terrace, details of an opaque privacy screen along the boundary of the roof terrace facing 20 Herbert Gardens, to a height of 1.7m metres, shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be erected prior to the first use of the roof terrace and shall not thereafter be removed or altered in height.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant. As the main parties have had the opportunity to provide comments no injustice has been caused.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the host property and area, and ii) the living conditions of the occupiers of 20 Herbert Gardens, with particular regard to overlooking.

Reasons

Character and appearance

4. The appeal scheme includes the provision of a rear dormer that would extend the width of the rear roof plane, as well as a further dormer extension that would extend over the existing two-storey rear element. While I accept that the Council's Supplementary Planning Guidance – Residential Extensions & Alterations – SPD2 (January 2018), advises that dormers that project over a rear projection are not generally permitted, in this case the rear extensions would be set down from the overall height of the property and would be set back from the rear eaves, as well as the eaves of the rear projection. Moreover, the dormer extension over the rear projection would be further stepped down from the height of the dormer extension on the rear roof plane. In these respects, the proposals would exhibit sufficient subservience to the host property and would not be overly dominant. I accept that the proposals would be visible from surrounding properties, however this would be in the context of the existing property and other roof alterations in the surrounding area.
5. Therefore, in this case I consider that there is good reason for departing from the general guidance of the SPD2 document and I find that the proposals would not be harmful to the character or appearance of the host property, or the area. Thus, the scheme accords with policy DMP1 of the London Borough of Brent Local Plan – Development Management Policies (November 2016) (the Local Plan), insofar as it seeks to ensure that the layout, scale, and design of development is appropriate.

Living conditions

6. The proposed roof terrace would occupy an elevated position, theoretically allowing views over neighbouring properties. While the main views would be to the rear where there is already a high degree of mutual overlooking between properties in the area, and views would be limited to some extent by the presence of the chimney stack, it would be possible for there to be views from the side of the balcony towards the roof extension present at 20 Herbert Gardens, at reasonably close quarters. As there would only be a small section of the balcony from which such views could be obtained, the inclusion of a privacy screen which could be secured by condition, would prevent views, and safeguard the living conditions of the neighbouring occupiers.
7. I find therefore that, subject to the condition I have referred to, the proposed terrace would not have any unacceptable effect on the living conditions of the occupiers of 20 Herbert Street, with regard to overlooking. Accordingly, the proposal accords with policy DMP1 of the Local Plan, insofar as it seeks to ensure that development provides high levels of amenity.

Conditions

8. I have imposed the standard condition in respect of the timescale for implementation and in the interests of certainty, a plans condition. In addition, a condition in respect of a privacy screen is necessary. The Council have suggested a materials condition, however as the proposed materials are clearly stated on the application form, this is not necessary.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR