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# 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: 27 August 2021**

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**Appeal Ref: APP/T5150/W/21/3269268**

**22 Glengall Road, LONDON, NW6 7EP**

- 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 Jones Town Planning Ltd against the decision of London Borough of Brent.
  - The application Ref 20/2766, dated 6 September 2020, was refused by notice dated 16 October 2020.
  - The development proposed is the erection of third floor and roof extension with rear dormer window, a two-storey/part three-storey rear extension and reconfiguration of ground to second floor levels to create 4 self-contained flats, provision for cycle and refuse storage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have used the description of development as shown on the Council's decision notice as this comprehensively described the proposal.
3. 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. I have considered the appeal on the basis of the revised Framework.

## Main Issues

4. The main issues are:
  - i) Whether the future occupiers of Flat 1 would experience satisfactory living conditions, with particular regard to daylight and outlook,
  - ii) The effect on the living conditions of the occupiers of 20 Glengall Road, Academy Court and Priory Mansions, with particular regard to daylight, outlook, and privacy, and
  - iii) The effect on the character and appearance of the area and the host property, including the effect on the adjoining building comprising 24-34 Glengall Road (Academy Court).

## Reasons

### *Living conditions – future occupiers*

5. To the ground-floor would be a 2-bed unit, with the bedrooms located to the rear of the building. Each of these would be served by windows that face onto the rear garden area and the boundary wall that encloses it. The windows would be located around 2.2m from the boundary wall, which rises to a significant height. As a result of this, together with the northern orientation of the windows, there would be little opportunity for daylight to reach these windows, resulting in a somewhat gloomy interior. While I note that under the existing situation there is a single bedroom which faces onto the garden, the proposed scheme would see the windows positioned closer to the boundary wall. Furthermore, currently, there is only a single bedroom facing to the rear, the proposals would result in the introduction of a further bedroom insufficiently provided with daylight. That the proposed windows are larger than the existing would do little to ameliorate this effect.
6. In addition, the bedrooms would benefit only from an outlook towards a high boundary wall at close quarters. Again, while this is the case for the existing bedroom, the proposed scheme would result in the distance to the boundary wall being reduced, further diminishing the outlook for the occupants.
7. Accordingly, I find that the occupiers of Flat 1 would not experience satisfactory living conditions as a result of a lack of daylight and outlook. Thus, the scheme conflicts with policy DMP1 of the London Borough of Brent Local Plan – Development Management Policies (November 2016) (the DM Policies), insofar as it seeks to ensure that development provides high levels of amenity.

### *Living conditions – neighbours*

#### Daylight and outlook

8. The two-storey extension would rise along the boundary with the neighbouring property of 20 Glengall Road (No 20). The submitted plans show that the wall of the extension would not breach a 45-degree angle, measured from the centre of the second-floor rear window of No 20. Given the orientation of the appeal building and No 20, with the appeal site lying to the west, together with the already significantly enclosed nature of the rear aspects of the properties, I consider that the rear additions would not result in any unacceptable reduction in daylight reaching the rear of No 20, nor would there be an objectionable sense of enclosure or loss of outlook.
9. To the rear of the appeal site is a significant four-storey building, Priory Mansions. The Council raise concern in respect of the effect of the additional storey of accommodation proposed as well as the rear dormer element, on the communal gardens associated with Priory Mansions. However, the proposed increase in height would be over a single property only and would be positioned alongside Academy Court, which is a four-storey building. As a result, the effect of the increase in height of the building on the users of the gardens of Priory Mansions would not be significant, and not sufficient to result in unacceptable living conditions.
10. Accordingly, I find that there would be no unacceptable effect on daylight or through sense of enclosure as a result of the proposal, that would materially reduce the living conditions of neighbouring occupiers.

### Privacy

11. The scheme includes the addition of a terrace, at first floor level, to the rear of the property. Due to the density of the surrounding development and the existence of rear windows to neighbouring properties, there is already an extremely high degree of mutual overlooking between properties in the area. However, the scheme would introduce useable external space at an elevated position that would afford views over the garden areas of the adjoining properties. This would introduce the potential for the overlooking of these areas at close quarters from an external position. To my mind, this would be different from the overlooking currently possible, including from windows and internal spaces. Users of the nearby garden areas would be acutely aware of any individuals utilising this space and their ability to look down to the garden areas. This would unacceptably reduce the privacy of the occupiers of No 20, Academy Court and Priory Mansions. The inclusion of privacy screens to the side of the terrace would do little to ameliorate this effect.
12. Accordingly, I find that the proposal would have an unacceptable harmful effect on the living conditions of the occupiers of these properties with regard to overlooking. Thus, the scheme conflicts with policy DMP 1 of the DM Policies, insofar as it seeks to ensure development provides high levels of amenity.

### *Character and appearance*

13. The appeal building comprises part of a terrace of properties, lining the street and extending to three-storeys in height. Steps are present in the eaves level of properties along this side of the street, following the sloping nature of the road moving west. This creates a consistency to the streetscene and results in an attractive rhythm of built development. This arrangement is broken by Academy Court adjoining the appeal building which is part four and part five-storeys in height. This building comprises a focal structure in the street, clearly distinguishable in stature from the surrounding buildings.
14. The additional height proposed would result in the appeal building rising above those comprised in the remainder of the terrace. The rhythm I have identified would be disrupted, with the stepping down of building heights being disturbed. Moreover, the increase in height would result in the building having a discordant and incongruous appearance within the street, relating poorly to the scale of the existing three-storey properties. Furthermore, the attractive scale, form, and proportions of the host property, which allow it to integrate into the streetscene, would be harmfully degraded.
15. The adjacent building of Academy Court is a locally listed building and part of its significance is identified as being due to it being of a different scale and design to the residential street. The increased height of the appeal building would diminish the dominance of Academy Court and while not comparable to it in terms of height, the lifting of the roof at the site would diminish the prominence of Academy Court and thus lessen its significance as a locally listed building.
16. The scheme would result in the removal of the existing outrigger to the rear and its replacement with new extensions. These would have flat roofs and at ground and first floor would extend the width of the property, while at second floor the extension would span for only part of its width. While these additions would not replicate the pitched roof additions that can be seen to the rear of

nearby properties, they would be subservient in scale to the host building. There would be some loss of rhythm to the rear elevations, but given its location to the rear, that it is not visible from the street and when viewed from nearby properties the additions would be viewed against the backdrop of the existing building, they would not be overly dominant or harmful features.

17. Thus, while I find that the rear extensions would not be harmful, the increase in the height of the appeal building would result in harm to the character and appearance of the area and the host property, including the adjoining building of Academy Court. Therefore, the proposal conflicts with policies DMP 1 and DMP 7 of the DM Policies, insofar as they seek to ensure that development is of a scale that complements the locality, and that the significance of heritage assets is sustained.

### **Other Matters**

18. I acknowledge that the scheme would deliver an additional unit of accommodation and that the standard of accommodation would be improved. Nonetheless, these matters are not sufficient to outweigh the harm that I have identified above.

### **Conclusion**

19. I have found that there would be no unacceptable effects through loss of daylight or outlook, as well as that the appearance of the rear extensions would be acceptable. However, I have identified that the scheme would not result in acceptable living conditions for the future occupiers of Flat 1, as well as that it would result in harm to privacy of neighbouring occupiers and to the character and appearance of the area and host property. These harms are decisive.
20. For the reasons given above I conclude that the appeal should be dismissed.

*Martin Allen*

INSPECTOR