



Appeal Decision

Site Visit made on 28 September 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2021

Appeal Ref: APP/T5150/W/21/3273633

15-17 Grosvenor Crescent, London NW9 9DB

- 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 Rikesh Gorasia against the decision of London Borough of Brent.
 - The application Ref 21/0110, dated 11 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is part single part double rear extension at No 15 Grosvenor Crescent and first floor rear extension at 17 Grosvenor Crescent.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The development includes a single storey rear extension at No 15 and first floor extensions to both No 15 and 17. The reasons for refusal on the Council's decision notice indicate that the first floor extensions are the matters in dispute. I have no reason to disagree with the Council's conclusion that the rest of the proposed development is acceptable in planning terms. My reasoning below therefore relates to the first floor extensions.

Main Issues

The main issues are:

- The effect of the proposed development upon the character and appearance of the host properties and the area; and
- The effect of the proposal upon the living conditions of neighbouring occupants.

Reasons

Character and appearance

4. The appeal site comprises two mid terrace dwellings located in a residential area. No 17 has been extended in the form of a single storey rear extension. A flat roof dormer window extends across the roof space of both No 15 and 17. No 13 has a single storey rear extension that extends across the entire width of the property. No 19 has not been extended to the rear.
5. The area has dwellings of a similar design with plots and rear gardens of varying sizes. A number of properties have been extended at ground floor and at roof level providing a degree of design variety to the area.
6. I acknowledge that the properties would be extended in a similar manner creating a balanced appearance. However, the first-floor extensions would be unduly prominent on account of their width, depth and flat roof design appearing out of place along the back of houses in the area, despite the desire to create a visual link between existing extensions.
7. The proposed development would not be highly visible from the street, but it would be clearly noticeable from the rear of neighbouring gardens appearing as incongruous features along the back of houses in the area on account of its size and flat roof design. Whilst the existing dormer window has changed the form and appearance of the main roofs the proposed flat roof design would still be uncharacteristic of the host properties detracting from their appearance.
8. I conclude that the proposed development would adversely affect the character and appearance of the host properties and the area contrary to Policy DMP1 of the Development Management Policies Document (2016) (DMP) which, amongst other things, requires developments to display acceptable detailing and design that complements the locality.
9. It would also be contrary to guidance contained within the Residential Extensions and Alterations Supplementary Planning Document 2 (2018) (SPD) which, amongst other things, requires roofs to match the pitch, angle and materials used on the main roof of the house.

Living conditions of existing neighbouring occupiers

10. I acknowledge that the SPD is guidance, as opposed to planning policy, nonetheless it sets out guidance in relation to two storey rear extensions. It states that the 2:1 rule will be applied in considering the impact upon the living conditions of neighbouring occupiers in respect of light and outlook. The proposed development would conflict with the Council's SPD in this regard.
11. As such, the proposed development due to its depth and width would form an overbearing feature creating a sense of enclosure that would have a significant adverse impact on the living conditions of the occupiers of No 13 and No 19 by virtue of loss of daylight and outlook.
12. The appellant has commented that due to the existing rear extension at No 17 light to the rear of No 19 is already restricted. Notwithstanding the existing relationship, I find that the overall size and position of the proposed development in such close proximity to the rear of this property would result in a noticeable change to the outlook from the rear of No 19. The proposed

development would be visible as an intrusive feature when viewed from the patio doors as well as from the rear garden area.

13. Whilst No 13 benefits from an existing rear extension the depth, width and closeness of the first floor extension would be noticeable and visible as an intrusive feature when viewed from the rear garden area.
14. I note the comments made in respect of the 45-degree rule. However, there is no credible evidence before me to lead me to depart from the 2:1 rule. As such, I have not taken the 45-degree rule into account in coming to my decision.
15. The appellant has referred to other appeal decisions. However, based on the limited information before me I am not satisfied that they are comparable to the appeal scheme. In any event every appeal must be considered on its own merits, as I have done. These examples do not lead me to reach a different conclusion on this matter.
16. I conclude that the proposed development would adversely affect the living conditions of neighbouring occupiers with regard to loss of light and outlook contrary to DMP Policy 1 which, amongst other things, requires new development to provide high levels of internal and external amenity. It would also be contrary to guidance contained within the SPD.

Conclusion

17. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR