
Appeal Decision

Site visit made on 12 October 2021

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/T5150/C/20/3260557

51 Manor House Drive, London NW6 7DE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Njah Jawad against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice was issued on 19 October 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey rear extension and a first floor side and rear extension.
 - The requirements of the notice are:
STEP 1 Demolish the single storey rear extension and first floor side and rear extension.
STEP 2 Remove all resulting debris, items and materials arising from that demolition from the premises and restore the premises back to its original condition before the unauthorised development took place.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

2. Based on the reasons for taking action, I consider the main issue is the effect of the extensions on the character and appearance of the house and surrounding area.
3. In their appeal statement, the Council raised matters relating to the effect on the living conditions of neighbours, which did not form part of the reasons for issuing the enforcement notice. Consequently, this has not formed part of my assessment.
4. In any event, even if I had found no harm in respect of this matter, it would have attracted only neutral weight and could not have outweighed the identified harm in respect of character and appearance.

Character and appearance

5. The appeal property is a detached house located in a residential area, characterised by relatively substantial detached houses set behind generous forecourt areas, predominantly used for parking, with large gardens to the rear.

6. Whilst there is some variety in the appearance of the houses, they tend to include hipped roofs and features such as bay windows. Based upon my observations it appears that to the rear, houses have been altered and extended, including flat roof ground floor extensions, such that the rear elevations have varied appearances. However, significant flat roof first floor extensions were not evident from my visit.
7. Policy DMP1 of the London Borough of Brent Local Plan November 2016 Development Management Policies (DMP), states that development will be acceptable provided it is of a scale, materials and detailing which complements the locality. The Council's SPD¹ sets out, in respect of two-storey rear extensions, that the design, shape and materials of the roof must match the original roof.
8. The extensions add considerable bulk to the property as a result of the width, spanning that of the house, their depth and overall height. The flat/mono-pitch roof forms, which contrast with the roof of the original house, serve to emphasise the scale and bulk of the extensions. Combined with the number and placement of windows, the resulting development appears poorly related to the house's character and style and unacceptably dominant. Consequently, the extensions adversely affect the appearance of the house.
9. The side of the first-floor side extension can be glimpsed from the street however, the extensions are not readily seen in wider public views. Nevertheless, the extensions will be visible from the rear windows and gardens of neighbouring and surrounding houses and in such views the extensions would have a discordant appearance. The use of materials to match the existing house does little to ameliorate this harmful effect.
10. The appellant provided a decision notice in respect of a planning permission granted by the Council in 2002 for a first-floor rear extension and glass screen at the property. However, no plans have been provided nor has any explanation of its relevance. In the absence of details and explanation this is a matter of little weight.
11. The appellant referred to two applications in respect of other houses in Manor House Drive. One relates to an application for prior approval for a rear single storey extension, where the Council determined prior approval was not required. However, this has little bearing on the merits of the appeal development since it concerned only a single storey extension and under such a procedure the Council could only have regard to the impact of the development on the amenity of adjoining premises, should objections be received.
12. In respect of the planning permission at 21 Manor House Drive, few details have been provided and therefore I cannot be certain that this is a directly comparable development. I have, in any case, determined the appeal on its own merits.
13. Overall, for the reasons given above I find that the extensions have a materially harmful effect on the character and appearance of the house and its surroundings due to their design, scale and mass. This is contrary to the overall

¹ Residential Extensions & Alterations SPD 2 Jan 2018

design aims of Policy DMP1 of the DMP and the National Planning Policy Framework. The development also fails to accord with the Council's SPD.

Other Matters

14. Whilst I have had regard to the representation of support from a neighbouring resident, this is a neutral matter which cannot outweigh my above findings.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR