



Appeal Decision

Site visit made on 15 November 2021

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 DECEMBER 2021

Appeal Ref: APP/T5150/D/21/3279334

34 Litchfield Gardens, London NW10 2LL

- 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 Karsan Mavji against the decision of the London Borough of Brent Council.
 - The application Ref 21/1726, dated 10 May 2021, was refused by notice dated 6 July 2021.
 - The development proposed is two storey infill rear/side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On the same day as the appeal was submitted the Government published a revised version of the *National Planning Policy Framework* (The Framework). The revised Framework has not brought me to any different decision on the appeal and therefore I have not considered it necessary to invite the appeal parties to comment on the new document.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and surrounding area of Clare Road and Litchfield Gardens.

Reasons

4. The appeal property is located at the eastern end of Litchfield Gardens and forms the corner plot at the junction with Clare Road. Litchfield Gardens is characterised by terraces of two storey housing built in a mix of brick, render and painted brick under slate or tiled roofs. The style is traditional and a characteristic feature of the street is the hipped, full height bay windows although, in the case of the appeal property, the corner is turned under a turret feature. A few of the properties on the south side of the Gardens have been extended with dormer roof extensions including No 34. In the case of the appeal property, the dormer extension occupies virtually the whole of the main roof slope and is flush with the gable wall on the east end.

5. The rear of the properties in the terrace in the vicinity of the appeal site have original back to back, two storey, rear outrigger extensions with an indented courtyard to each property creating an 'L-shaped' floor plan to the original houses and a uniformity to the rear elevation of the terrace. In the case of the appeal property the courtyard has been built over with a monopitch, lean-to, single storey extension and to the rear of that a single storey, wrap-around extension across the back of the outrigger.
6. The proposed development would extend the existing side, monopitch extension upwards at first floor under a pitched roof which would obscure part of the face of the dormer and finish with a partial flat roof to avoid crossing the smaller window in the dormer. The proposed extension would be flush with the side gable end of the main house.
7. The house is in a highly prominent position on the junction with Clare Road from where the extension would have the effect of worsening what is already a set of extensions which are excessive and disproportionate to the main house. In particular, the extension would appear out of keeping with the uniformity of the rear outriggers along the terrace by attaching mass and bulk at first floor into the indented return and requiring a roof form at odds with the traditional forms in the area. The proposal would be the latest in a series of poor design solutions which have fundamentally and detrimentally affected the character and appearance of the original house and the surroundings on Clare Road in particular.
8. Having viewed the proposal on site in the context of what is already built it is not even clear whether the roof to the extension could be built as proposed as the windows in the existing dormer are not as shown on the submitted plans either in respect of their design or position on the dormer.
9. The Framework at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal would fail. At paragraph 134 the Framework states that development that is not well designed should be refused, especially where it fails to take into account design guidance.
10. The Council has produced the *Residential Extensions and Alterations Supplementary Planning Document* (SPD) to assist householders in planning alterations to existing properties and, in respect of rear extensions, the SPD advises that the extensions should be designed to respect the character and size of the house with particular care being taken on corner plots. This has not been done in this case and the proposed addition to the existing rear extension would harm the character and appearance of the property and its surroundings and would therefore be contrary to the SPD.
11. It is accepted that the SPD is only guidance but it is designed to help implement the Council's Development Plan policies. Policy CP17 of the *Brent Core Strategy* (BCS) is consistent with the Framework in requiring that development does not erode the character of suburban Brent. The policy further restricts development that is out of scale with garden space and does not respect the settings of existing buildings. Policy DMP1 of the *Brent Development Management Policies* (BDMP) setting out the general policy on managing development makes it clear that the siting, layout, scale, detailing and design must provide high levels of amenity and complement the locality.

12. For the above reasons i.e. principally the scale and bulk of the proposed extension to the side/rear, in combination with the other extensions already on the property, there would be an unacceptable impact on the established character and appearance of the original house and the immediate surroundings. As such the proposal would fail to meet the policy objectives of the Framework, the BCS, the BDMP and the SPD.

Other Matters

13. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and I understand the appellant's wish to achieve increased accommodation and make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However Paragraph 124 in the same section of the Framework requires that making efficient use of land must take into account the desirability of maintaining an area's prevailing character and setting and in these respects the proposal fails.
14. I note that the extension would not give rise to any harm to living conditions for neighbouring occupants but this, of itself, would not mitigate the harm to the character.

Conclusion

15. It is clear from the Development Plan policies that conflict with local character is an important consideration and for the reasons above the sustainable and effective use of the dwelling would not therefore outweigh the harm to the character and appearance as a result of the proposal. The appeal is therefore dismissed.

P. D. Biggers

INSPECTOR