
Appeal Decision

Site visit made on 15 November 2021

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2021

Appeal Ref: APP/T5150/D/21/3281674
144 Fleetwood Road, London NW10 1NN.

- 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 Adil Ayub against the decision of the London Borough of Brent Council.
 - The application Ref 21/2113, dated 05 June 2021, was refused by notice dated 02 August 2021.
 - The development proposed is rear extension and first floor side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal is a revision to that granted permission under reference 19/2583. This permitted the erection of a single storey, full width rear extension and the construction of a side extension to the property and these elements in the appeal proposal are identical. In my decision I therefore have only considered whether the proposed additional single storey rear extension is an appropriate addition to the property as it is proposed to be extended.
3. At the time of my visit, both the permitted extension under ref 19/2583 and the additional proposed extension to the rear were substantially complete externally although still being fitted out internally. It was clear from the site visit that in a number of minor respects neither the layout nor the elevations complied with the plans as submitted. Following the visit the appellant has submitted revised drawings (reference 0114-PD-1001 Rev B01) which reflect the as built external form. I can confirm that as the differences are minor fenestration changes, in the event the appeal is allowed, the revised drawings could be accepted.

Main Issues

4. The main issues are whether the proposed development would have an adverse effect on:
 - The character and appearance of the host dwelling and the surrounding area of Fleetwood Road; and
 - The living conditions of present and future occupiers of No 142 Fleetwood Road in terms of loss of outlook and overbearing effect of the extension.

Reasons

5. The appeal site is located on the north side of Fleetwood Road which is a street characterised by mainly semi-detached two storey properties built in brick and render under tiled, mainly hipped roofs.
6. No 144 forms a semi-detached pair with No 142 with No 144 having been extended in the past with a hip to gable and dormer roof extension as well as permission for the rear single storey extension and first floor side extension.
7. It has been put to me that a 'fallback' exists as under the *General Permitted Development Order* (GDPO) through the prior approval route, it would be possible to construct a single storey extension to a depth of 6 metres and that this would have the same effect as the appeal proposal. However, because the appeal proposal exceeds 6 metres from the rear wall of the original house it would not be Permitted Development under the prior approval arrangements. It is not therefore a relevant 'fallback' and I am entitled to determine the appeal proposal in its own right.

Character and Appearance

8. I acknowledge that the additional extension would not be visible from the street but it would be visible from surrounding properties and the increased depth of the extension would appear out of keeping with the general development pattern in the immediate vicinity of the site to the rear of the properties on this side of Fleetwood Road. Generally, the rear extensions are shallower in depth and, whilst there are outbuildings in some gardens, the scale and depth of extension attached to the rear of the houses is generally more modest than that proposed.
9. More importantly in the context of the house itself the main house has already seen substantial roof extensions; with the addition of a first floor, side extension and single storey, rear extension permitted and in the course of construction. The cumulative effect of a further, deeper rear ground floor extension would be disproportionate to the original house and would materially change the character and appearance of it and its semi-detached neighbour.
10. The *National Planning Policy Framework* at paragraph 130 requires development to be sympathetic to local character including the surrounding built development. 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. 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. This has not been done in this case and the proposed addition to the already permitted rear extension would harm the character and appearance of the property and its surroundings and would therefore be contrary to both the SPD and the policies of the BCS.

Living Conditions

11. No 142 Fleetwood Road currently has an existing rear two 2 storey bay

window extension adjacent to the boundary with the appeal property. The window on the east side of this bay would be very close to the 3 metre deep, full width extension to No 144. However, as this already permitted extension was in all other respects no different to what could have been developed under permitted development rights and only would impact on the side window of the bay I am satisfied that it was reasonable for the Council to permit it.

12. However, the same is not the case with respect to the additional extension along the boundary which would take the depth of the extension in total to 6.2 metres. This extension, now constructed on site would breach the 45° rule (in other words the depth of the extension would project beyond a line drawn at 45° from the centre of the window in the middle of the rear facing bay in No 142). There would be a detrimental impact on the outlook from this rear bay window as a result of the close proximity and depth of the extension.
13. The SPD would normally allow up to a maximum depth of 3 metres for rear extensions on semi-detached properties and requires depths in excess of that up to 6 metres to increase the stand-off from side boundaries with adjacent properties by 1 metre for every additional metre of depth. The proposed extension would run along the side boundary, would provide no stand-off and would extend to 6.2 metres in depth.
14. I note that the appellant states that the current occupier of No 142 has indicated that they would support the additional extension provided the west facing wall is painted white. However, I must consider the likely impacts of the proposal on the living conditions of both the present and future occupiers. Just because a present occupier is content does not mean that the proposal would be acceptable to future occupiers and in this case for the reasons above it would not.
15. The Framework at paragraph 130 requires development to create places with a high standard of amenity for existing and future users. Policy DMP1 of the *Brent Development Management Policies* (BDMP) requires development to have a high level of internal and external amenity and complement the locality and in that respect is consistent with the Framework. For the reasons above the proposal fails to meet these policy objectives and would be contrary to the advice in the SPD.

Other Matters

16. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010. I understand the appellant's wish to achieve a larger family unit and make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11 and by the *London Plan 2021* (LP2021) at Policy D3 which seeks to optimise site capacity. I also note that the appellant states that the bathroom accommodation in the rear extension is for a disabled member of the family with the aim of providing separate bathroom facilities for him which the appellant considers is justified by the Good Growth Objectives of the LP2021 (GG1 and GG3 in particular). I acknowledge that there is currently no bathroom accommodation on the ground floor only a WC. However, it has not been demonstrated in the evidence before me that a bedroom with an ensuite WC and shower for the disabled person could not be accommodated within the already permitted

extensions at ground floor level. Thus, whilst disability needs can clearly be a material consideration, I am not persuaded that, in this case, there would not be an alternative way to meet the need, without constructing an additional extension to the detriment of the character of the property and the living conditions for the neighbouring occupier at No 142.

Conclusion

17. It is clear from the Development Plan policies that conflict with local character and residential amenity in the local area are important considerations 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 or the harm to the living conditions of the occupants of No 142. As a result the appeal is dismissed.

P.D. Biggers

INSPECTOR