



Appeal Decision

Site visit made on 26 October 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2021

Appeal Ref: APP/T5150/W/21/3279101
69B Purves Road, London NW10 5TD

- 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 P J Whittle against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/1601, dated 30 April 2021, was refused by notice dated 17 June 2021.
 - The development proposed is a rear dormer loft conversion and linked outrigger with 2 Juliet balconies to the second floor flat.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development used in the banner heading above is taken from the appeal form. The proposal was originally described on the planning application form as a "rear dormer window and linked outrigger roof extension", but as it also includes two Juliet balconies at second floor level a description reflecting this was used on the decision notice and appeal form. I have used the revised wording above as it provides a more accurate description of the proposal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is the upper flat within a two-storey mid terraced property. The building was originally a single dwelling which at some point has been converted into two self-contained flats. The building has a two-storey rear outrigger, and a short rear yard which serves the lower flat, No 69A. A modestly-sized rear dormer approximately in the centre of the roof slope serves a bedroom on the second floor of the upper flat.
5. The proposal is to enlarge the property by replacing the existing rear dormer with one which would occupy the full width of the roof slope, as well as a greater part of its height. A new outrigger extension would be built above the existing first floor flat roof and linked to the enlarged dormer above.

6. The Council's 2018 *Residential Extensions & Alterations* Supplementary Planning Document ("the SPD") provides guidance for roof extensions including rear dormers. It states that, outside Conservation Areas, rear dormers can be the full width of the original roof plane, and should be set down from the ridge by at least 0.3m; the proposed dormer would comply with these elements of the guidance. The SPD also advises that dormers must be set up from the eaves line by at least 0.5m measured along the roof plane, and states that "dormers which project onto or over a rear projection will not normally be permitted". In this case, the "main" dormer would be around 0.2m above the eaves, while the "rear" part would extend over the existing outrigger; the proposal would therefore not comply with these elements of the guidance.
7. The existing dormer on the appeal property is a relatively small and discreet protrusion. Others of similar proportions were visible elsewhere on the same terrace, either on aerial photographs provided as part of the evidence, or in views from St Margaret's Road and Hiley Road at either end of the block. The proposed development would add substantial built mass to the appeal property at roof level, and the part of the extension above the outrigger would be a prominent and bulky feature seen in close views from neighbouring properties and from the street gaps. This would be more apparent from St Margaret's Road, while the view of the development from Hiley Road would be more restricted because of the siting of foliage and other rear outriggers. The extensions would be clad in materials to match the existing property, and although this is a positive detail of the proposal, because of its scale and bulk the extension would be an incongruous addition to the host property and the block as a whole.
8. I saw on my site visit an L-shaped extension, similar to that proposed in this case, at the rear of No 68 St Margaret's Road very close to the rear windows of the appeal property. It appeared to me that, notwithstanding the fact that it uses appropriate materials, the extension at No 68 is a bulky and intrusive feature when seen from the appeal site, and in those respects is not therefore a good advert for the type of development the appellant proposes. The appellant's evidence shows that there are similar rear extensions elsewhere further along St Margaret's Road and on Hiley Road, although these were not visible either from the appeal site or in public views from the street. In any case, while such extensions may arguably form part of the character at the rear of those streets, they are not a feature of the terrace including the appeal property. From what I could see from St Margaret's Road and Hiley Road they also do not appear to be a feature of the next blocks either way along Purves Road.
9. I understand the extension at 68 St Margaret's Road to have been built under permitted development rights, and I note the appellant's comment in the original planning statement that the proposal for the appeal property would be under the size limits for permitted development were the property not a flat. That may be so; however, judging from what I saw on my site visit many – if not most – of the properties in the same terrace block as the appeal property appear to have been converted into flats. The appeal property is not exceptional in this regard, and this consideration therefore carries limited weight in favour of this proposal.
10. The appellant drew my attention to an appeal decision where the Inspector allowed an extension above the rear outrigger at 27 Burrows Road, not far

from the appeal site¹. Among other things, that Inspector took into account that extension would have been permitted development if the appeal property had not been divided into flats. However, the Inspector also weighed other factors in favour of that scheme, explaining that not only were several large dormer extensions readily visible from the public street nearby, but in any event the proposed extension would not be seen from the street. Taking all those points together, the Inspector concluded that the extension would not become a dominating feature of the building, nor would it harm the character and appearance of the area. In this appeal large dormers are not readily visible from the street at present but the proposed development would be and, as I have already described, I consider that it would be a dominant and intrusive feature. While I have no reason at all to disagree with my colleague's conclusion in respect of 27 Burrows Road, the circumstances of this case are somewhat different.

11. The appellant has also drawn my attention to properties in the surrounding area where the Council has granted planning permission for large rear dormers extending over rear outriggers, including at 71B, 77B and 89B Leighton Gardens, and at 18B Clifford Gardens. While I do not know the full circumstances of those examples, it is clear from both main parties' evidence that the Council took into account the number and visibility of similar extensions in the area and in each case concluded that, notwithstanding conflict with guidance in the SPD, there would be no harm to the character and appearance of the area. For the reasons I have already set out, I do not consider that to be the case here, and these other decisions do not add weight in support of the appeal proposal.
12. I conclude that, because of its scale and siting, the extension over the rear outrigger would be a bulky and intrusive feature, which would dominate the rear of the terrace including the appeal property, and so would harm the character and appearance of the area. The proposal therefore conflicts with Policy DMP1 of the 2016 Brent Local Plan Development Management Policies Plan, which among other things seeks to ensure that development is of an appropriate siting, scale and design which complements the locality.

Other Matter

13. Its statement indicated that the Council considered "the impact of the proposal [...] on the residential amenity of the neighbouring properties" to be among the main issues in this appeal. The same wording had been used in the original officer report, although there was no discussion of the impact on living conditions for neighbouring residents, and the matter did not form part of the single reason for which planning permission was refused. The appellant has suggested that the Council was seeking "to add in matters to their case that did not form part of their reasons for refusing the application", although as the appeal statement includes no evidence whatsoever of harm to living conditions it strikes me as being equally likely that it was simply a drafting error. In any event, there was nothing put before me to indicate that the proposal would be harmful to neighbours' living conditions, and I did not see anything on my site visit which led me to a different view. I consider that the proposal would be acceptable in this respect, although this does not outweigh the harm to the character and appearance of the area which I have found.

¹ Ref: APP/T5150/W/17/3174748

Conclusion

14. The extension would be harmful to the character and appearance of the area, and the proposal conflicts with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector