
Appeal Decision

Site visit made on 6 December 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/T5150/W/21/3277851

36 Park Side, London NW2 6RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Brendan McGowan against London Borough of Brent.
 - The application Ref 21/1290, is dated 9 April 2021.
 - The development proposed is single storey side and two storey rear extension to the dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side and two storey rear extension to the dwellinghouse at 36 Park Side, London NW2 6RJ in accordance with the terms of the application, Ref 21/1290, dated 9 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg No: 1445-AA-001; 1445-AA-002; 1445-BB-103; 1445-BB-104; and 1445-AA-003-REV-A.
 - 3) No development above slab level shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Applications for costs

2. An application for costs was made by Mr Brendan McGowan against London Borough of Brent. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, the Council's statement of case includes the reasons why the planning application would have been refused had it been empowered to do so. I have also taken into account the appellant's statement of case and have drawn on this to inform the main issues in this appeal.

Main Issues

4. The main issues are the effects of the proposal on the living conditions of the occupiers of No 34 Park Side with particular reference to light and outlook.

Reasons

5. The appeal property is a detached two-storey dwelling located within a residential area. It is positioned on a corner plot at the junction of Gladstone Park Gardens and Park Side. Although its entrance door faces to Gladstone Park Gardens, it has clearly defined front and rear gardens with the property orientated with its front elevation, facing toward Park Side and rear elevation, facing toward the side of the nearest property on Gladstone Park Gardens.
6. Having regard to the above, and as No 34 Park Side (No 34) has its front and rear facades also orientated in the same direction, the proposal falls to be assessed against the so called '1/2 D Rule', as referred to in the Council's Supplementary Planning Document 2: Residential Extensions and Alterations (2018) (SPD2).
7. No 34 has been extended at the ground floor and, as such, there would be no conflict with the SPD2 in relation to the ground floor rooms, but there would be conflict with the first floor rooms.
8. Given the direction of the appeal property there might be some increased shadowing in the morning to the first floor rooms. However, I have no substantive evidence before me as to the extent of any loss of light.
9. The rooms, I'm told are bedrooms and the SPD2 makes no distinction between bedrooms and other habitable rooms such as living rooms. However, in my view, there is a difference in their use and the expectations of occupiers with greater value placed on main communal living spaces.
10. The first floor rear rooms at No 34 benefit from a particularly expansive open outlook looking across its rear garden and the rear gardens of properties along Gladstone Park Gardens and Dollis Hill Avenue. Moreover, the elevated nature of the first floor rooms would also assist in moderating the impact of the proposal. As such, in my view, the property would not be unduly hemmed in, or enclosed by, the proposed two-storey extension and any loss of light would be minimal.
11. Given the scale and location of the single storey extension on the side elevation there would be no impact on the living conditions of the occupiers of any neighbouring property from this part of the proposal.
12. Drawing the above together, despite the conflict with the SPD2 and the weight given to such documents in the revised National Planning Policy Framework (2021) (the Framework), there would be an acceptable effect on the living conditions of the occupiers of No 34 with particular reference to light and outlook. As such, I find no conflict with the requirements of Policy DMP1 of the Council's Development Management Policies document (2016) or paragraph 130 of the Framework. These seek, amongst other things, to ensure high standards of living conditions for existing occupants.

Other Matters

13. The proposed scale of the extension would appear subservient to the host building. It would have a modern appearance however, its form and materials would compliment the architectural features of the appeal property. As such, in this residential area, with a variety of extensions evident, I am satisfied that, subject to the final material finish, the proposal would not have a harmful effect on the character and appearance of the area.

Conditions

14. I have adapted the Council's suggested conditions where necessary in the interests of precision. In addition to the standard implementation condition, it is necessary in the interests of precision, to define the plans with which the scheme should accord to those submitted with the application. A condition concerning external materials is required in the interests of the character and appearance of the area and as full details were not included in the proposed plans.

Conclusion

15. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Mr R Walker

INSPECTOR