
Appeal Decision

Site visit made on 26 January 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 FEBRUARY 2022

Appeal Ref: APP/T5150/D/21/3286801

25 Donaldson Road, London, NW6 6NE

- 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 Mark Geddes against the decision of London Borough of Brent Council.
 - The application Ref 21/2630, dated 7 July 2021, was refused by notice dated 23 August 2021.
 - The development proposed is a single storey rear extension to side of existing outrigger of 4.9m depth, 1.7m width.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to side of existing outrigger of 4.9m depth, 1.7m width at 25 Donaldson Road, London, NW6 6NE in accordance with the terms of the application, Ref 21/2630, dated 7 July 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: EX001; C21004 EX099; C21004 PL099; C21004 EX100; C21004 PL100; and C21004 PL200.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 23 Donaldson Road, with particular reference to light and outlook.

Reasons

3. The appeal property is a two-storey terrace dwelling located in a row of houses of a similar design and appearance.
4. The proposed rear extension would be to the side of the existing outrigger, effectively infilling the gap between the dwelling and the side boundary of the site with 23 Donaldson Road.

5. The Council refer to guidance contained within its Supplementary Planning Document 2 - *Residential Extensions and Alterations (2018)* (SPD). Whilst not forming part of the statutory development plan, the SPD gives useful guidance in respect of extensions and alterations. Of relevance to the appeal proposal is guidance that states that extensions which infill the side return between a two storey outrigger and the boundary should be no higher than 2.0 metres in height on the boundary when measured from the neighbours side in order to protect amenity. It further states that the maximum height of any part of the extension should be 3.0 metres where it meets the main house.
6. The proposed extension would have an eaves height of about 2.7m and a maximum height of around 3.5m where it adjoins the main house. The proposal would not therefore comply with the guidance set out in the SPD in this regard.
7. The side boundary between the appeal site and 23 Donaldson Road is already well in excess of 2m. No 23 has an adjacent ground floor window on the main rear elevation of the dwelling as well as a window and door on the side elevation of its outrigger. The appeal proposal seeks to minimise its impact on these windows by providing a courtyard light well with a depth of 2.95 metres immediately to the rear of the dwelling.
8. Given the height of the existing side boundary, and the narrow gap between the dwellings, the amount of light received by the ground floor windows on the rear of No 23 would already be limited. In my view, the design of the proposed extension incorporating a courtyard would help to minimise any significant additional impact on the amount of light received by these windows.
9. The proposed extension would have a depth of 4.9m and would extend out as far as the existing two storey outrigger. Its eaves height of about 2.7 metres would be higher than the existing fence and accordingly it would have some additional impact on the outlook from 23 Donaldson Road.
10. However, the appellant has drawn my attention to an alternative viable proposal established by LPA ref. 21/3739 – Prior approval for a single storey rear extension by extending the wall of the original house by 6m, maximum height of 3.5m and eaves height of 3m. Whilst this option would not extend out as far of the appeal proposal, the extension would have a higher eaves and would not provide for the courtyard adjacent to the most sensitive part of the boundary with No 23.
11. Whilst the proposal would not comply fully with the guidance in the SPD, having regard to the design of the proposal incorporating a courtyard and the height of the existing boundary, I consider that any adverse effects on the living conditions of the occupiers of No 23 would be relatively minor. Moreover, I also attach weight to the alternative option established under LPA ref. 21/3739 which, overall, would be likely to have at least an equivalent effect on the living conditions of the neighbouring occupiers, in terms of light and outlook.
12. I therefore conclude that the proposal would not have a materially harmful effect on the living conditions of the occupiers of 23 Donaldson Road, with particular reference to light and outlook. I find that the proposal would comply with Policy CP17 of the of the Brent Core Strategy (2010) and Policy DMP1 of the Brent Local Plan Development Management Policies (2016) which together

require development to have a high level of internal and external amenity and complement the locality.

Conditions

13. In addition to the standard 3 year implementation condition, I have imposed a condition requiring the extension to be constructed in matching materials to ensure a satisfactory external appearance. The approved plans condition is imposed for clarity.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed.

J Davis

INSPECTOR