



Appeal Decision

Site visit made on 14 October 2020

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 03/11/2020

Appeal Ref: APP/T5150/W/20/3253096
23 Monks Park Gardens, Wembley HA9 6JB

- 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 Miss Jiayi Dong against the decision of the Council of the London Borough of Brent.
 - The application Ref: 20/0744 dated 28 February 2020, was refused by notice dated 28 April 2020.
 - The development is for loft conversion and single storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A loft conversion and dormer and single storey rear extension have been constructed at the appeal property. The application and this appeal seek approval for the newly completed loft conversion and single storey rear extension. As the development had, on the basis of the description of development, been carried out before the date of the application, I shall treat the application as one made under Section 73A of the Town and Country Planning Act 1990 for planning permission for development as carried out, namely a loft conversion with rear dormer and front roof lights together with single storey rear extension.
3. However, the plans submitted with the application and this appeal are not accurate in terms of the dimensions of both the rear extension and the loft conversion and dormer, as well as the siting of the rear dormer. Furthermore, the submitted plans and elevations do not show in detail the change in levels from the rear of the extension to ground level.
4. The inaccuracy of the plans has been noted by the Council and was evident at my site visit; the Appellant has contended that the differences between the drawn plans and the works as constructed are not significant. However, in the context of a residential extension, relatively small differences in the dimensions can be material in terms of the acceptability of the proposal. For the purposes of this appeal I shall, where necessary, refer to the dimensions noted by the Council which the Appellant has not sought to challenge.
5. The Council has referred to policies from its draft Local Plan 2020 in its reasons for refusal alongside policies from its adopted Development Management Policies 2016. However, the Council has not provided me with copies of its draft

Local Plan policies and given the limited information available to me regarding their content and status, my decision is based on its adopted policies together with the National Planning Policy Framework. The Appellant has also referred to a number of additional policies which, in so far as the information has been made available to me, I have taken into consideration in my determination of this appeal.

Main Issues

6. The main issues in this appeal are:

- a) The effect of the single storey rear extension on the living conditions of the neighbours at No 24 Monks Park Gardens, with particular regard to loss of outlook;
- b) The effect of the works on the character and appearance of the host property; and
- c) Whether the development would be resilient and resistant to all relevant sources of flooding.

Reasons

Issue a) Living Conditions

7. The appeal property is a modest, semi-detached residential house on the south-west side of Monks Park Gardens, a no-through road, within a predominantly residential area, and facing open parkland alongside the River Brent. The property has a rear garden of modest dimensions and there is a level change down from the rear of the property to the garden.
8. The rear extension is built up to the boundary with the attached neighbouring property at No 24. Given the overall length and height of the extension, and taking into account the modest depth of the rear garden I consider that the extension has an overbearing and enclosing effect on the outlook for the neighbours, both from ground floor windows in the rear elevation as well as from within the rear garden. This unacceptably harms their living conditions with particular regard to loss of outlook.
9. I therefore conclude that the living conditions of the neighbours at No 24 are unacceptably harmed with particular regard to loss of outlook. This conflicts with the National Planning Policy Framework (Framework) and in particular paragraph 127 f), Policy DMP1 of the Council's Development Management Policies 2016 (DMP) and guidance in the Council's Supplementary Planning Document SPD2: Residential Extensions & Alterations, 2018 (SPD2), all of which seek to protect the amenities of residents.
10. The property on the other side of the appeal property at No 22 is set further back within its plot than the appeal property, and so the depth of the extension at the appeal property is less than 3m beyond their rear wall. Notwithstanding the height of the extension, I consider that the effect on the living conditions of these neighbours, because of the more limited depth beyond their rear wall, would not, on its own, justify withholding planning permission.
11. I consider that the living conditions of both neighbours are not materially affected by the loft conversion and roof dormer, given its siting and orientation of its windows.

12. However, my findings on these matters do not outweigh the harm I have already concluded under this issue in respect of the harm to the amenities of the neighbours at No 24.

Issue b) Character and Appearance

13. The combined depth and height of the single storey rear extension results in a bulky rear addition which is out of scale with the more modest scale and form of the existing property and its size of plot. It is an over dominant addition and therefore detracts from the character and appearance of the existing property contrary to the Framework and in particular Section 12 and Policy DMP1 of the DMP and SPD2 requiring a high quality of design which respects the local context.
14. I have taken into account the guidance in the Council's SPD2 regarding the size of such extensions. The Appellant has also drawn my attention to permitted development rights for such extensions. However, it is my view that although the difference in the dimensions of the extension as built in terms of both depth and height, compared with those set out under permitted development allowances as well as the guidance in SPD2, appear modest, the combined effect of the overall scale of the extension is unacceptable in terms of its over dominating effect on the character and appearance of the existing property.
15. The dormer extension in terms of its siting within the roof plane is set up from the eaves and down from the ridge line and does not therefore appear as an over dominant feature. Given its scale and siting, it does not harm the character and appearance of the existing property. However, my finding in this regard does not outweigh the harm I have concluded from the single storey rear extension.

Issue c) Flood Risk

16. As the site lies within Flood Zone 3a, a flood risk assessment should have been submitted with the application. The requirements for this are set out at paragraph 163 of the Framework and under Policy DMP9A and supporting text of the DMP. In the absence of such information it cannot be concluded that the works are resilient and resistant to all relevant sources of flooding. I also cannot be satisfied that there is no conflict with the Framework and Policy DMP9A of the DMP in this regard.

Other Considerations

17. The Appellant has invited me to impose a number of conditions to require amended and additional information within a set time period following my decision, were permission to be granted, including to rectify deficiencies in the submitted information. However, the use of conditions would not overcome the harm I have concluded as a result of the works as constructed.
18. I have been provided with a copy of an email from a neighbour withdrawing an objection to the application. However, my decision is based on the planning merits of the extensions and alterations, which would endure for future residents.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR