
Appeal Decision

Site visit made on 16 February 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/T5150/D/21/3287561
36 Woodgrange Avenue, Harrow, HA3 0XD

- 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 Daoud Tayebzad against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/2965, dated 31 July 2021, was refused by notice dated 27 September 2021.
 - The development proposed is described as '*to legalise the existing conservatory built at the rear side of the house*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development contained within the application form was solely related to a conservatory extension that has been built to the rear of the property. The application was made retrospectively and at the time of my visit I saw that the extension was complete.
3. The decision notice includes a second reason for refusal that relates to a rear dormer window. I saw during my visit a rear facing dormer window which appeared to be consistent with the appellant's 'Pre-Existing Elevations' as shown on Drg No 490/02R. Notwithstanding the decision notice, the dormer window is not part of the development that formed the original application to the Council and which is before me in this appeal. I have considered the appeal on the basis of the application that was put to the Council.
4. Since the date of the decision the Council has adopted the *Brent Local Plan 2019-2041 February 2022* (BLP). The *Brent Development Management Policies Plan 2016* has been revoked and its Policy DMP1, as referred to in the Council's reason for refusal, is no longer relevant. The Council has advised that BLP Policy DMP1 is now relevant and supports their decision. The appellant was invited to comment.

Main Issue

5. The main issue is the effect of the conservatory extension upon the living conditions at 34 Woodgrange Avenue with particular regard to visual impact and light.

Reasons

6. The appeal property is a semi-detached, two-storey dwelling which has a number of extensions, including a single-storey rear, flat roof addition across the full width of the house and, according to a figure given by the appellant, to a depth of 3.6m. In May 2021, works were completed to a further single-storey rear extension with a depth of just over 2.5m. The accumulation of additions results in a single-storey rear extension beyond the rear wall of the main house to a depth of around 6.15m. The new addition has brick side walls with obscure glazed windows to the majority part of its upper half and a mostly glazed rear elevation with a large extent of glazed panels to its roof. I agree with the appellant's viewpoint that it has been finished to a high standard.
7. The Council's adopted *Residential Extensions & Alterations SPD 2 – Jan 2018* includes detailed guidance for single-storey rear extensions. It advises that extensions to extensions may be acceptable if it is well designed to integrate with the existing extension but that any extension may be required to be off-set from the boundary. For semi-detached houses the SPD states that the maximum depth normally permitted is 3m from the wall of the house. It goes on to state that an extension up to 6m in depth may be acceptable providing that for every additional metre beyond 3m the extension should be set in from the boundary by an additional metre. The reason for this is expressly stated to protect neighbouring residential amenity.
8. The extension that has most recently been built clearly exceeds the guidelines contained within the SPD by extending adjacent to the common boundary with No 34 by more than 3m. The circumstances between the semi-detached pair at Nos 34 and 36 are not unusual or unique. They appear to me to be precisely the circumstances where the guidance is intended to apply in order to safeguard the amenity of neighbouring occupiers.
9. No 34 has a modest sized, lightweight extension to the rear and nearest the appeal property. The accumulation of the two extensions to the rear of No 36 presents itself as a reasonably tall and long enclosure immediately adjoining the boundary, clearly seen in the outlook from No 34 and the private garden space immediately adjoining the rear elevation, projecting well above the height of the typical garden fence panels that run along the boundary. Its imposing and dominant presence strikes me as having exactly the harmful impact the SPD guidance seeks to avoid. The extension is likely to have led to some loss of daylight within the living space to the rear of No 34, but more significantly I find the development to be overbearing and visually intrusive to the detriment of the neighbour's living conditions. The inclusion of a glazed window in the flank wall does not overcome the harm.
10. Overall, I find the failure of the development to achieve a high level of amenity at No 34 means that there is conflict with BLP Policy DMP1. There is also conflict with the National Planning Policy Framework's objectives for achieving well-designed places and as a consequence the extension does not represent a

sustainable form of development. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR