



Appeal Decision

Site visit made on 9 March 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/T5150/D/21/3289960

26 Manor Drive, Wembley, London, HA9 8ED

- 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 Paresh Mashar against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/2719, dated 15 July 2021, was refused by notice dated 29 October 2021.
 - The development proposed is described as a 'retention and regularisation of the existing single storey extension erected to side and rear of the residential dwelling with minor changes to the front elevation'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development plan includes the Brent Local Plan 2019-2041 (LP) which was adopted on 24 February 2022 after the date of the Council's decision for this case and has replaced policy DMP1 of the Development Management Policies document referred to in the Council's decision with LP policy DMP1. Both parties have had the opportunity to comment on this and I have determined the appeal on this basis.

Reasons

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the neighbouring occupier/s at 28 Manor Drive in terms of outlook and light. LP policy DMP1 seeks to ensure that all development has, amongst other things, a siting and scale that provides high levels of amenity.
4. The appeal site comprises a semi-detached chalet bungalow in a residential area. The proposed development has already been constructed and consists of a single storey side and rear extension, together with the replacement of a door and window in the front elevation by a single window. The Council has not raised any objection to the side extension or to the changes to the front elevation and from what I have seen those are acceptable.
5. The proposed rear extension projects 6m from the rear elevation and is set in some 1.2m from the side boundary with a flat roof of 3m in height. The guidance in the Council's 'Residential Extensions and Alterations' Supplementary Planning Document 2 (2018) (SPD) advises that single storey rear extensions of up to 6m in depth may be acceptable providing that for

every additional metre beyond 3.0metres in depth, the extension should be set in from the boundary by an additional metre. That is not the case for this proposal and it is therefore be contrary to the SPD.

6. A fence separates the adjoining property at no 28 which has not been extended on its rear elevation and had the same building line as the appeal dwelling prior to the construction of the extension. It has a French window close to the side boundary and a patio adjacent to the rear elevation. It is sited at a lower ground level of around 0.3-0.4m and the impact of the extension is therefore increased. Given its length, proximity and the difference in ground levels, the rear extension will appear unduly overbearing in the outlook from the nearest habitable room window and from the patio of no 28. As it falls within a line of 45° taken from the centre point of window referred to, it will also result in a significant loss of light to that room.
7. I have noted that the Council deemed that Prior Approval was not required for a very similar scheme in 2019. However, if that scheme were implemented, the degree of harm would be similar but it would not be more harmful. Although there have been no objections from the current neighbours, those neighbours could change at some point in the future. As such, I give these matters limited weight and they do not outweigh the significant harm that is caused by this proposal.

Conclusion

8. For the reasons stated above, I conclude that the proposed development, by reason of the siting of the rear extension, results in significant harm to the living conditions of the neighbouring occupiers/s at 28 Manor Drive in terms of outlook and light. As such, it is contrary to development plan policy DMP 1 in the LP and there are no material considerations that would outweigh this conflict. The appeal should be dismissed.

Sarah Colebourne

Inspector