



Appeal Decision

Site visit made on 8 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/21/3288431

79 Lyon Park Avenue, Wembley, London, HA0 4DX

- 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 MM Jahangir against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/2141, dated 8 June 2021, was refused by notice dated 27 September 2021.
 - The development proposed is described as a 'first floor rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension with window and Juliet balcony, two new side windows, two new rooflights and the removal of a chimney stack at 79 Lyon Park Avenue, Wembley, London, HA0 4DX in accordance with the terms of the application, Ref 21/2141, dated 8 June 2021, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and proposed plan, Juliet balcony section drawing, Juliet balcony railing drawing.
 - 3) 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.

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 the policies in the Development Management Policy and Core Strategy documents referred to in the Council's decision. Both parties have had the opportunity to comment on this and I have determined the appeal on this basis.
3. It is clear from the Council's description and the plans that the development also includes a window and Juliet balcony within the extension, two new side windows, two new rear rooflights and the removal of a chimney stack. I have considered the appeal on this basis and have included those elements in the formal decision.

Reasons

4. The main issues in this appeal are the effect of the proposed development on:-
- the character and appearance of the dwelling and the area;
 - the living conditions of the neighbouring occupier/s at 77 Lyon Park Avenue in terms of outlook.

Character and appearance

5. 79 Lyon Park Avenue is a two storey semi-detached house of a modest and unassuming character, with a wide plan form and a hipped roof on a residential street of similar properties. It has been extended across the whole of the rear elevation with a single storey, flat roof extension. Many of the surrounding dwellings do not have first floor rear extensions. However, I have noted that the neighbouring dwelling at no 81 and another dwelling at no 69 have extensions of a similar size and scale to that proposed in this case, although I accept that those were approved prior to the adoption of the guidance in the Council's 'Residential Extensions and Alterations' Supplementary Planning Document 2 (2018) (SPD2).
6. The proposal would extend over part of the ground floor extension but its width and projection would be significantly less. It would be only slightly more than half of the width of the dwelling. The slope of the hipped roof would match that of the main roof and the ridge would be set down slightly from the main ridge.
7. SPD2 has a 1:2 rule for the size and scale of two storey extensions but this refers to the impact on neighbouring living conditions rather than to the effect on character and appearance. It requires that roofs match the original but does not specify a set down. Although there would be some conflict with the 1:2 rule and only a small set down, the size and scale of the proposed extension would not be excessively bulky in the context of this wide rear elevation and it would be sufficiently subordinate to the original dwelling. Given the similarity of the extensions at nos 81 and 69, it would not be uncharacteristic of the area.
8. The Council has raised no objection to the other elements of the proposal (the new windows and the removal of a chimney stack) and from what I have seen those would be acceptable.
9. I conclude, therefore, that the proposal would not harm the character and appearance of the dwelling or the area and would accord with LP policy DMP1 which seeks to ensure that all development is of a high quality that complements the locality.

Living conditions

10. LP policy DMP1 also seeks to ensure that all development has, amongst other things, a siting and scale that provides high levels of amenity. The 1:2 rule in SPD 2 requires that the depth of any two storey rear extension is restricted to half the distance between the side wall and the middle of any neighbours nearest habitable room window up to a maximum depth of 3m.
11. The adjoining dwelling at no 77 is a mirror image of the appeal dwelling but has not been extended on its rear elevation. The proposal would project 3m

beyond the main rear wall. Although it would exceed the 1:2 rule by 0.5m, it would be sited some distance (3.2m) from the high parapet wall on the side boundary with no 77. The centre point of the nearest habitable room window at no 77 (which appears to be to a bedroom) would be some 5m from the proposed extension as shown in the appellant's statement. When taking a 45° line from that point, the extension would sit outside that and the hipped roof would further reduce its impact. For these reasons, I am satisfied that it would not appear unduly dominant in the outlook from the neighbouring property and that an exception to the Council's SPD2 is justified in this case.

12. I conclude then that the proposal would not significantly harm the living conditions of the neighbouring occupier/s at no 77 and would therefore accord with LP policy DMP1.

Conditions

13. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is necessary in the interests of the character and appearance of the dwelling and the area.

Conclusion

14. For the reasons stated above, I conclude that the proposed development would accord with the development plan and there are no material considerations that would outweigh this. The appeal should be allowed.

Sarah Colebourne

Inspector