



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/22/3290447

51 Brentvale Avenue, Wembley, London, HA0 1NE

- 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 Jeyakumar Thuriappa against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/3254, dated 25 August 2021, was refused by notice dated 19 October 2021.
 - The development proposed is described as a 'single storey rear extension'.
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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 the development plan policy 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.

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 53 Brentvale Avenue in terms of outlook and daylight. LP policy DMP1 seeks to ensure that all development has, amongst other things, a siting and scale that provides high levels of amenity and complements the locality.
4. The appeal site comprises an end terrace dwelling. The proposed shallow sloped roof extension would occupy the full width of the rear elevation with a rear projection of 6m and a height of 3.2m where it adjoins the side boundary with no 53. The adjoining dwelling at no 53 has not been extended to the rear and its rear building line is in line with that of the appeal site. No 53 sits at a slightly lower ground level than the appeal site and has a south-west facing patio adjacent to its rear elevation.
5. 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 where the extension is set in from the side for every 1m of additional depth over 3m. That is not the case for this proposal and it would therefore be contrary to the SPD.

6. The impact of a 6m projection of 3.2m in height along the side boundary would be exacerbated by the lower ground level of the neighbouring property. As such, the proposed extension would be unduly dominant when seen in such close proximity from the neighbouring rear windows and patio, thereby significantly harming the occupier's outlook and resulting in a loss of light to the nearest habitable room.
7. I have noted that the Council deemed that Prior Approval was not required and granted a Certificate of Lawfulness for a very similar scheme in 2021. However, given that the earlier scheme would result in a long, narrow external passage between the store/utility areas and the kitchen/dining area I am not persuaded that there is a real prospect that it would be implemented. Even if it were, 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 would be caused by this proposal.

Conclusion

8. For the reasons stated above, I conclude that the proposed development, by reason of its siting and depth, would result in significant harm to the living conditions of the neighbouring occupiers/s at 53 Brentvale Avenue in terms of outlook and light. As such, it would be contrary to the development plan policy referred to earlier and there are no material considerations that would outweigh this conflict. The appeal should be dismissed.

Sarah Colebourne

Inspector