



Appeal Decision

Site visit made on 18 March 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2022

Appeal Ref: APP/T5150/D/21/3286966

39 Norval Road, Wembley, London, HA0 3TD

- 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 Dias Wincey against the decision of the London Borough of Brent Council.
 - The application Ref 21/2354 dated 18 June 2021 was refused by notice dated 23 August 2021.
 - The development proposed is first floor side to rear extension, rear dormer with 5 x side rooflights, front porch extension, insertion of 3 x first floor side windows, alteration to ground floor rear extension doors and insertion of 4 x rooflights to ground-floor side extension to dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the proposal as I find that it more accurately describes the proposal on this occasion.
3. The new Brent Local Plan 2019-2041 was adopted by the Council on 24 February 2022. The policies within the refusal reason, from the Development Management Policies Plan 2016, have been formally revoked and are no longer part of the development plan for Brent. As a result of this change both parties have been given fourteen days to provide comment on the new Local Plan with regard to this appeal. I have received no response from either party.
4. The appellant makes reference to revised plans having been submitted with this appeal. Despite this the plans referred to do not appear to have been physically submitted. I have referred to the submission of additional plans as relevant against specific elements of the proposals as applicable below in relation to whether they would have been accepted with specific regard to avoiding prejudice towards any parties as part of the appeal process.

Main Issues

5. The main issues are the impact of the proposal upon the character and appearance of the main dwellinghouse and the Sudbury Court Conservation Area.

Reasons

6. There are several elements to the appeal proposal as outlined within the development description in the header of this decision letter. The Council's

delegated report confirms that there is no objection to the alterations to the ground-floor rear extension doors and insertion of four rooflights to the ground floor side extension. Based upon the evidence before me, and my site visit, I have no reason to conclude differently upon these elements in isolation.

7. The appeal site is a two storey semi-detached dwelling within a residential area which is located within the Sudbury Court Conservation Area (CA). Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There are no listed buildings in close proximity to the appeal site noted within the Council's assessment before me.
8. At the time of my visit I found that there was a notable uniformity of dwellings within which the appeal site stands but that some dwellings within proximity to the appeal site have been the subject of side and rear extensions as have been evidenced by the appellant and discussed within this decision. The appeal site is consistent with the mock-Tudor character within this area due to the white render exterior with elements of timber cladding and red brick.

First floor side to rear extension

9. The Council's assessment, of the first floor side to rear extension, essentially concludes that this element is unacceptable due to what they state would be excessive width which would, in turn, constitute a proposal which would fail to be subservient. Brent's Sudbury Court Conservation Design Guide 2015 (the design guide) notes that first floor rear extensions should have their width restricted to no more than two thirds of the width of the house at first floor level. Due to the combination of proposals the first floor extension would have a width of 7.4m compared to the existing dwellinghouse which has a width of 6.5m so this would be contrary to the guidance within the design guide.
10. The side element of the extension would be notably set back, behind the front chimney, which would significantly reduce its impact upon the appearance of the streetscene and a CA. The ridge height is lower than the original and the different roof style (in that the extension would be a lower level hipped roof), combined with the proposed set back, I find would read as a subservient addition to the host dwelling when viewed from the streetscene. The materials and fenestration are also appropriately designed. The first-floor rear extension would not be visible from the streetscene and there is considerable separation between the appeal proposal and the open space to the rear which limits views beyond the appeal site.
11. I find it would still be evident what is the original dwelling and I find that the extension would not impact negatively on the primary views of the property from within the streetscene. I do not find that the first floor rear extension would result in an oversized or prominent addition to the dwelling and the original ridge would still be visual over the extension from the rear. The first floor rear extension would not be detrimental to the character or appearance of the host dwelling or CA. Whilst each case must be considered on its own merits I find this is well evidenced by submitted images of the completed scheme at 73 Norval Road which does have strong similarities to the appeal proposal before me.

12. I note that no refusal reason or issue with regard to neighbouring amenity is raised but I note comments within the objections from 37 and 41 Norval Road respectively. The 25-degree code is a test to establish the effect of a proposal upon existing properties with regard to obstructing daylight to existing windows or rooms. The distance between the side wall and middle of the nearest habitable room at 37 Norval Road is 5.4m. The depth of the extension would be 2.7m. Whilst it would be 3.3m in depth, to the proposed bay window, the window is set in and away from the corner closest to 37 Norval Road. The corner of the first-floor rear extension would be 5.4m away from the central point of the neighbouring bedroom window at 37 Norval Road. Private views are not protected as a material planning consideration and I do not find the proposal would result in an overbearing visual impact as a result of the distances involved. With regard to 47 Norval Road the nearest window is a bathroom and the proposal would be 6.2m from away from the central point of the neighbouring bedroom window.
13. I note that in both cases, the distance between the proposed extension and the centre of the relevant neighbouring rear facing habitable room windows meets or exceeds the minimum requirement in the design guide that would be necessary to acceptably accommodate the first-floor extension proposed. The Council confirm that this rule ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits. I have no evidence to suggest the proposal would impact upon residential amenity with regard to light or outlook due to these distances.

Rear Dormer and Rooflights

14. I find the Council has provided limited justification as to why the proposed dormer is unacceptable but I find that in the context of the overall scheme the proposed dormer would be too large given it has limited set down from the roof ridge and is relatively close to the eaves. I acknowledge that this element would be limited in terms of visibility from the streetscene so its impact upon the character and appearance of the CA would be limited. Despite this I find the proposal is too large as demonstrated in the submitted side elevations where I find this shows the rear dormer would be a bulky, uncharacteristic, addition to the dwelling itself when taking into account the overall dwelling.
15. Whilst it is not for an appeal to evolve or amend a scheme I note that the appellant has stated that an amended set of drawings which included an alternate dormer. These plans do not, however, appear to be before me within this appeal and in any case the Council and any interested third parties would not have had opportunity to comment on such revisions which I find would prejudice them within this appeal. As a result of this I would not have, on this occasion, accepted Revision B drawings within this appeal amending the dormer as stated. I note the appeal decision for 73 Norval Road also included a dormer, however, it is evident comparing the proposed side elevations and submitted photograph that the dormer at 73 Norval Road was not as large and was set further up from the eaves which I find results in a less dominant, bulky, addition to the roof by comparison.
16. In addition to the dormer the roof alterations also include five side rooflights. I note that all of the rooflights would be flush fitting and Conservation style as required by the Design Guide. As noted in the Design Guide the number of rooflights should be generally more limited and I find that installation of five

rooflights would be detrimental to the character and appearance of the dwelling within a roof which is currently uninterrupted. I have noted the Inspector's comments in the appeal decision for 73 Norval Road, however, the proposals for that site only proposed one rooflight in each side elevation by comparison and nor did any other examples before me propose as many rooflights as within this current appeal proposal.

Front Porch

17. The dwelling is currently accessed via a recessed porch which is a common and important architectural feature seen within the houses of this style. Whilst I do not have a copy before me the Council's delegated report notes that paragraph 6.6 the Sudbury Court Character Appraisal specifically identifies that erection of new front porches has had a damaging impact both on the character and design of the houses and in turn the streetscene. The proposed porch would have a depth of 1.7m and width of 2.3m and result in a maximum height of 3.3m with a hipped dual-pitched roof. I note that the proposed porch roof has been designed to try to match the roof of the existing dwelling, however, I find the porch would be obtrusive and out of keeping with the uniform character and appearance of the property type and wider CA due to it projecting forward of the existing front window.
18. As previously noted it is not for an appeal to evolve or amend a scheme but I note that the appellant has stated that an amended set of drawings which removes the porch in its entirety have been submitted. These plans do not, however, appear to be before me within this appeal. Had I found the proposals acceptable in other regards removal of the porch would have overcome this issue with regard to the uniform character and appearance of the property type and wider CA with regard to the porch. I do not find that acceptance of plans in so far as they remove an entire, but minor, element would have prejudiced parties within the appeal stage.
19. The starting point for determination is the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. As outlined in the procedural matters the Local Plan policies upon which refusal has been based have been revoked. Neither party has provided further comment or information as to the relevance of the new Local Plan to this appeal. I can, therefore, only determine based upon the evidence before me.
20. The proposal would be contrary to the guidance contained within the design guide with regard to the rear dormer, which is not in proportion, well-articulated or up from the eaves, the number of rooflights in the side elevation and the front porch. Whilst I note that this is guidance it is still a material consideration and non-compliance on these elements I find to be detrimental to the character and appearance of the dwellinghouse and surrounding CA.
21. The National Planning Policy Framework 2021 (the Framework) states, in paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
22. Whilst I have found the first floor side to rear extension to be acceptable I have, however, found the number of side rooflights, rear dormer and front

porch to impact negatively upon the character and appearance of the host dwelling. This, in turn, I find would result in less than substantial harm to the CA as outlined for each specific element. In accordance with the Framework, paragraph 202, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

23. The personal circumstances and requirements of the appellant's family are noted; however, these do not outweigh the issues which I have identified within this decision. The proposal is for alterations to a private dwelling and I currently have no evidence before me to support that the proposal would result in any public benefits or is securing optimal viable use.

Other Matters

24. I note third party comments with regard to their application(s) and what was said and determined, however, I have limited evidence before me as to the proposals at that property to allow me to attribute weight to them. I have considered this case upon its own merits based upon the evidence before me.

Conclusion

25. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR