



Appeal Decision

Site visit made on 9 March 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2022

Appeal Ref: APP/T5150/D/22/3289528

51a District Road, Wembley, London, HA0 2LE

- 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 Nitul Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/3437, dated 10 September 2021, was refused by notice dated 5 November 2021.
 - The development proposed is described as 'an existing garden outbuilding.'
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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 policies in the Core Strategy and Development Management Policies documents 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 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 occupiers in terms of outlook.

Character and appearance

4. The appeal site comprises a modern, detached bungalow on a narrow plot in a residential street of dwellings of varying ages and styles. At the time of my visit the building had been constructed but had not been completed. It consists of a single storey outbuilding to provide storage space and a gym at the end of the rear garden. It occupies almost the full width of the garden and has a flat roof with a slight slope. The plans indicate a height of some 2.9m at the front and some 3m at the rear although I noted that the building is sited on two courses of brickwork above ground level.
5. Many other properties in the area have sheds or outbuildings in their rear gardens and the ancillary use as an outbuilding would not be inconsistent with the character of this residential area. The contemporary style of the building

reflects the style of a single storey rear extension to the bungalow and would be acceptable if all other matters were.

6. However, in terms of size and scale the proposal is significantly higher than most of the other sheds and outbuildings I noted in neighbouring gardens and can be clearly seen across the neighbouring fences. By reason of this and its span across almost the full width of this narrow garden, I conclude that it is overly dominant and thereby causes significant harm to the character of the dwelling and the area. It is therefore contrary to LP policy DMP1 which seeks to ensure that all development is of a high quality that complements the locality.

Living conditions

7. The guidance in the Council's 'Residential Extensions and Alterations' Supplementary Planning Document 2 (2018) (SPD2) advises that where outbuildings are within 2m of a neighbour's boundary then the maximum permitted height is 2.5m. It is clear from the plans and from what I saw on site that the proposal is contrary to that guidance.
8. The appeal site has boundaries with three neighbouring properties. No 51 has neither a direct outlook towards the outbuilding nor an adjacent patio and I am satisfied that the outlook from this property will be acceptable.
9. However, the neighbouring property at no 53 District Road has a summer house and patio at the end of its rear garden which are sited close to and have an oblique angled outlook towards the outbuilding at 51a which abuts the side boundary fence between the two properties. Another neighbouring property, to the rear at 42 Central Road, has a direct outlook from its rear garden towards the outbuilding which abuts the rear boundary fence between the two properties and is significantly higher than the shed at no 42. By reason of its height and proximity to the boundaries with those properties, the outbuilding will appear unduly overbearing when seen from there and this will significantly harm the living conditions of those neighbouring occupiers in terms of outlook. As such, it is contrary to LP policy DMP1 which also seeks to ensure that all development has a siting and scale that provides high levels of amenity.

Conclusion

10. For the reasons given above, I conclude that the proposed development is contrary to the development plan and there are no material considerations that would outweigh this conflict. The appeal should be dismissed.

Sarah Colebourne

Inspector