



Appeal Decision

Site visit made on 8 March 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/T5150/W/21/3281750
23a Windsor Crescent, Wembley HA9 9AN

- 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 Miss Elena Meyer-Adams against the decision of London Borough of Brent.
 - The application Ref 21/1449, dated 18 April 2021, was refused by notice dated 23 June 2021.
 - The development proposed is first floor rear extension to maisonette.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the living conditions of occupiers of No 21 Windsor Crescent (No 21), with particular reference to outlook and sunlight; and
 - the character and appearance of the host property and surrounding area.

Procedural Matters

3. The description of development I have used in the banner heading is the same as that used in the appeal form and refusal notice. This accurately describes the proposal and removes the superfluous wording referred to in the development description in the application form. My approach, therefore, does not prejudice any of the parties.

Reasons

Living conditions

4. The appeal site comprises an end of terrace maisonette occupying the first and second floors of the building.
5. The terrace has a distinctive staggered arrangement with maisonettes angled away and sequentially set back from one another. This results in the flank wall of the appeal property projecting beyond the rear elevation of the adjoining property, No 21, and running along the side boundary between the properties. This has the effect of enclosing much of No 21's rear amenity space. A shorter single storey ground floor extension sited below the appeal maisonette also runs along the common boundary, while tall mature trees are located along No 21's rear, rising above its amenity space.

6. The combined effect of those features reduces the extent of direct sunlight entering No 21's amenity area. Yet, there is a small space close to a garden shed that, given its orientation, allows reasonable levels of sunlight to enter the amenity space towards the latter part of the day. This area also provides some respite from the tall flank wall that runs along part of the shared boundary.
7. The proposed first floor extension would be built on top of the existing ground floor extension that sits below the appeal dwelling. It would project approximately 3m along the boundary with No 21's garden, while rising above the existing garden shed. This would further enclose No 21's amenity space. Although in the context of the dwelling, this represents a small overall increase, the effects of this result in an extension of greater mass, height and projection from the main back wall of the appeal property when viewed from the amenity area of No 21, particularly that part which is less impinged. The overall effect would be an uncomfortable feeling for people using the space alongside of being dominated by the building. These neighbours would, markedly and unreasonably, lose outlook and feel unduly enclosed.
8. Furthermore, the proposal's excessive upward projection above the common boundary would diminish the amount of direct sunlight entering the rearmost portion of No 21's amenity space, particularly during the latter part of the day during the spring/summer months. Based on my observations, I consider the occupants of No 21 would suffer an unacceptable loss of amenity in terms of sunlight due to the proposal.
9. I acknowledge that there are already boundary enclosures and a garden shed surrounding that part of No 21's amenity space where my concerns are primarily focused. However, in contrast to the taller proposal, these are modest in scale and height and in my view allow an acceptable degree of sunlight to enter the space.
10. Reference has been made, in the appellant's evidence, of an alternative design that could address the concerns in respect of loss of sunlight as well as moving the extension further away from the boundary. However, I have not seen such a scheme, and in any event, it is not for the appeal procedure to advance proposals. This is best achieved through the submission of revised planning applications. As such, I have proceeded to determine the appeal on the basis of the plans on which the Council made its decision.
11. Concerns have been raised by interested parties residing at Nos 130 Chalkhill Road and No 23b Windsor Crescent. However, those properties would already experience a degree of overlooking from windows in the appeal dwelling, and the proposal is unlikely to significantly add to this. Moreover, the proposed extension is orientated and set away from those properties to ensure that existing outlook and daylight/sunlight levels would not be materially harmed.
12. Consequently, the proposed development would cause unacceptable harm to the living conditions of No 21, with particular reference to outlook and sunlight. It would fail to accord with the provisions of Policies DM1 of the Development Management Plan (2016) (DMP) and the guidance in the Residential Alterations and Extensions Supplementary Planning Document (2018) (SPD), where they require proposals to safeguard and protect existing outlook and sunlight received by neighbouring occupiers.

Character and appearance

13. The appeal property is one of a small number of end-of-terrace maisonettes on the estate. From the street the side profile of the appeal property is visible and appears as a series of projections that cascade rearward from the main three storey part of the building.
14. The proposal would add a further storey above an existing ground floor extension and have a flat roof to match the taller portion of the property it would adjoin. The extension would be set well below the main roof so that it appears subordinate. It would have a simple box like design that would be consistent with the architectural form of the main property, while being constructed in matching materials. Accordingly, the proposal's scale and design would not appear out of place or fundamentally alter the appearance of the appeal property when viewed from the street. Moreover, given that most of the maisonettes have their rear elevations screened from public vantage points, the proposal would not be seen to materially alter or detract from the design template of the estate.
15. Therefore, the proposal would not harm the character and appearance of the host property and the surrounding area. It would accord with the provisions of Policies DM1 of the DMP where proposals are required to incorporate a design and use of materials that compliments the locality. The general aims of the SPD would also be met, where they require extensions to be built to complement the design of the main property.

Conclusion

16. Even though I have found that the proposal would not harm the character and appearance of the host property and surrounding area, this would not overcome my concerns in terms of its effect on the living conditions of neighbouring occupiers and the resultant conflict with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR