



Appeal Decision

Site visit made on 25 March 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/T5150/W/21/3286484

19B Douglas Road, London NW6 7RN

- 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 Davis against the decision of London Borough of Brent.
 - The application Ref 21/2464, dated 29 June 2021, was refused by notice dated 8 October 2021.
 - The development proposed is a loft conversion and new terrace over the existing flat roof to first floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion and new terrace over the existing flat roof to first floor flat at 19B Douglas Road, London NW6 7RN in accordance with the terms of the application, Ref 21/2464, dated 29 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A210022PA-001; A210022PA-002; A210022PA-003; A210022PA-101; A210022PA-102; A210022PA-103.
 - 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.
 - 4) Prior to the first use of the roof terrace, the privacy screening shall be installed to a height of 1.85m above the level of the terrace in accordance with the approved plans. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority. It shall then be permanently retained for the lifetime of the development and any replacement glazing shall be obscured glazed.

Preliminary Matters

2. Since the appeal was submitted, the Brent Local Plan 2019-2041 (BLP) was adopted by the Council on 24 February 2022, and policies of the Core Strategy 2010 and Development Management Policies 2016 were superseded. The main parties were given the opportunity to make representations on any implications of the change in policy, and I am therefore satisfied that no party would be unfairly prejudiced by my determination of the appeal giving full weight to the policies of the BLP. I make no further reference to the now superseded parts of the development plan.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the appeal property and the surrounding area; and
 - The living conditions of neighbouring occupants with regard to privacy and noise and disturbance.

Reasons

Character and Appearance

4. The appeal property is an upper floor flat in a mid-terraced two-storey dwelling on Douglas Road. The surrounding area is residential and is characterised by two-storey terraces with small enclosed rear gardens. Many of the properties in the block have outrigger extensions and dormers of various heights and designs. The appeal property itself has a flat roofed two storey outrigger.
5. The proposal would introduce a dormer extension to the rear of the property and would provide stepped access to a roof terrace on the roof which would extend approximately half the length of the existing outrigger.
6. The Council's Residential Extensions and Alterations Supplementary Planning Document (2018) (SPD) advises that dormers should be set down from the ridge of the house by 0.3 metres and up from the eaves by 0.5 metres. The proposed dormer would deviate from this advice, in that it would not be set down from the ridge of the house. However, it would be viewed in the context of other dormer extensions within the block that similarly are not set down from the ridge and would not be visible from outside the block. It would therefore not appear as unduly bulky or incongruous in its surroundings.
7. The proposed screening for the roof terrace would also be visible from within the block. However, in itself this does not make it unacceptable. In the context of the wide variety of outriggers and extensions to the rear of properties in the road and Kingsley Road behind it would not appear bulky or out of place.
8. The Council is concerned about the materials which would be employed to create the screening around the roof terrace and the spindled balustrade of the access steps. The screening would be fitted with obscured glazing. Due the nature of the material it would have some transparency which would reduce its solidity and mitigate its visual impact. I have no evidence before me which suggests that the spindled balustrade of the access steps would appear out of place or incongruous or that the details of the screening around the roof terrace are not appropriate for their surroundings.
9. Accordingly, I conclude that the proposal would not have any adverse effect on the character and appearance of the appeal property or the surrounding area. There would be no conflict with BLP Policy BD1 and DMP1 which seek to ensure that new development is of the highest architectural and urban design quality and complements its locality. Despite the technical breaches with the guidance in the SPD, the site-specific circumstances of the appeal mean that the scheme would still comply with the overall aims design aims of BLP Policy DMP1 and the development plan as a whole.

Living Conditions

10. The appeal property is located within an urban block where properties have small rear gardens and a degree of overlooking already exists. The set back of the roof terrace from the end of the outrigger and the height of the proposed balustrade would mean that the users of the roof terrace would not be afforded any greater view into the gardens of the properties on Kingsley Road or Douglas Road than already exists from the rear windows of the property.
11. The roof terrace would be accessed via a small set of steps from the proposed dormer extension and would incorporate obscured glass balustrades to a height of 1.85 metres around its perimeter. As such it would not afford views into either the gardens on Kingsley Road or the windows of 17 Douglas Road. The steps are only a short flight and intended for accessing the terrace. Occupiers of the appeal property are unlikely to linger on the steps for long periods and they are unlikely to be used for anything other than their functional purpose. As such, any views into No 17, if at all, would be transitory and at an oblique angle which would not cause harm to the occupants, with regard to overlooking.
12. The Council is concerned that the size of the roof terrace would lead to a high volume of usage which in turn could lead to unacceptable levels of noise and disturbance. The roof terrace would be smaller than the majority of gardens within the block. Whilst I appreciate that noise may travel further at an elevated position, I have no reason to consider that the roof terrace would be used for any purpose other than as a residential outdoor amenity area and that the level of use would be restricted given its limited size.
13. Consequently, there would be no adverse effects arising from the proposal due to any loss of privacy to the occupants of neighbouring properties. Nor would there be any undue noise or disturbance arising from the proposal that would lead me to conclude that the proposal would be unacceptable. Accordingly, I find no conflict with BLP Policy DMP1, which amongst other things, requires development to maintain high standards of amenity. Neither would there be any conflict with the advice set out in the SPD in this respect.

Conditions

14. I have considered the Council's suggested conditions against the advice in the National Planning Policy Framework and Planning Practice Guidance. I agree that it is necessary to attach a condition to ensure that the materials used are in accordance with the details on the application form in order to ensure a satisfactory appearance. In addition, I consider that a condition is necessary to ensure that the proposed development is carried out in accordance with approved plans, in the interests of clarity.
15. Furthermore, in order to preserve the amenity of occupants of neighbouring properties, I consider that it is necessary for the privacy screening to be installed prior to use of the roof terrace in accordance with specified height. As this is specified on the submitted plans neither party would be prejudiced by the inclusion of a condition to this effect.

Conclusion

16. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

Katherine Robbie

INSPECTOR