
Appeal Decision

Site visit made on 11 April 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/T5150/D/22/3292215
16 Seaton Road, Wembley, London HA0 1HW

- 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 Arash Mohammadi against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/4160, dated 31 May 2021, was refused by notice dated 4 January 2022.
 - The development proposed is a single storey rear extension, loft conversion with a rear dormer window and 1 front rooflight to dwellinghouse.
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Decision

1. The appeal is dismissed in so far as it relates to the proposed single storey rear extension.
 2. The appeal is allowed in so far as it relates to the proposed loft conversion with rear dormer window and 1 front rooflight at 16 Seaton Road, Wembley, London HA0 1HW and planning permission is granted in accordance with the terms of the application Ref. 21/4160, dated 31 May 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 drawing numbers (in so far as they relate to the loft conversion):

Site Location Plan

Proposed Floor Plans – Drawing Number SE-A1-MM-03 Rev 01

Proposed Elevations – Drawing Number SE-A1-MM-04 Rev 01
 - 3) The materials to be used in the construction of the external surfaces of the roof alterations hereby permitted shall match those used in the existing building.
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Procedural Matter

3. Since the application was determined, the Brent Local Plan has been formally adopted. My decision takes this into account.

Main Issue

4. The Council raises no concerns in relation to the proposed loft conversion. On this basis, the main issue in this case is the effect of the proposed single storey rear extension on the living conditions of the occupiers of No. 14 Seaton Road, with particular regard to outlook.

Reasons

5. The appeal relates to a mid-terraced dwelling, sitting within a row of similar properties. The proposal seeks to add a box dormer to the rear roof profile and a single rooflight to the front roof profile in order to facilitate a loft conversion. As explained, the Council raises no issue with this element of the scheme, explaining that it complies with the guidance contained within its adopted Supplementary Planning Document 2 titled 'Residential Extensions and Alterations' (SPD). I see no reason to disagree.
6. The Council does, however, have concerns about the single storey extension which would be introduced to the rear of the property. This proposed addition would span the full width of the plot and would project some 4 metres from the main rear elevation of the host dwelling. It would have a largely flat roof, apart from the section closest to No. 14 Seaton Road, which would have a mono-pitch.
7. The proposed single storey rear extension would not harm the outlook from the rear of No. 18 Seaton Road because this property also has a single storey flat roof extension projecting along the shared boundary. However, the attached property on the other side, No. 14 Seaton Road, has not been extended to the rear. The proposed extension would project 4 metres along the boundary with No. 14. This would be 1 metre further than the maximum depth of 3 metres for a single storey rear extension to a semi-detached or terraced dwelling endorsed by the SPD. Whilst this guidance does allow for a deeper extension, this is on the proviso that it is set off the boundary by a proportionate amount 'to protect neighbouring residential amenity'.
8. Even accounting for the fact that the roof of the proposed extension would rise away from the boundary with No. 14, the large expanse of its side elevation and roof would be much taller than the existing wall which defines the shared boundary. As a result, it would be readily visible from the nearest ground floor room at the rear of this property and also from its patio area. In my view, the effect would be unduly dominant and overbearing.
9. For this reason and despite an absence of formal objection from the occupiers of No. 14 Seaton Road, I find that the proposed single storey rear extension would unduly harm the outlook for the occupiers of this attached property. In this regard, the proposal conflicts with policy DMP1 of the adopted Brent Local Plan and the SPD which seek to safeguard appropriate levels of residential amenity.

Other matters

10. The Appellant argues that the dwelling is structurally sound, that the proposal would have no impact in terms of highway safety and that it would not involve the removal of any trees or hedgerows. These matters are not disputed but they are neutral factors in the overall planning balance.
11. The Appellant also refers generally to other single storey extensions within the local area. However, I do not know the precise planning circumstances behind these additions and I have considered the proposal before me on its individual planning merits in any event.

Overall Conclusions

12. I conclude that the proposed single storey rear extension would unacceptably harm the outlook from the rear of the attached property, No. 14 Seaton Road. As a result, this element of the proposal conflicts with the development plan policies outlined above. The arguments advanced by the Appellant do not outweigh this harm and policy conflict therefore this element of the appeal does not succeed.
13. As explained, the Council raises no concerns about the proposed loft conversion. As this element is physically and functionally separate from the proposed single storey extension, I am satisfied that a split decision can be issued in this case.

Conditions

14. In addition to the standard conditions which limit the lifespan of the planning permission and direct that the development takes place in accordance with the approved plans, the Council has suggested one other condition relevant to the loft conversion in the event the appeal succeeds. I agree that the external finishing materials of the loft conversion should match those of the host dwelling in order to ensure a visually acceptable development. In granting planning permission for this element of the scheme, I shall impose these conditions.

David Fitzsimon

INSPECTOR