



Appeal Decision

Site visit made on 31 May 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2022

Appeal Ref: APP/T5150/D/22/3295968
271 Kenton Road, Harrow, HA3 0HQ

- 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 A Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/4546, dated 13 December 2021, was refused by notice dated 4 February 2022.
 - The development proposed is the construction of a part single-storey, part two-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a part single-storey, part two-storey rear extension at 271 Kenton Road, Harrow, HA3 0HQ in accordance with the terms of the application, Ref 21/4546, dated 13 December 2021, and the plans submitted with it, 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: 3129 HH1 C, 3129 HH2 C.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr A Patel against the Council of the London Borough of Brent. This application is the subject of a separate Decision.

Main Issue

3. The Council has indicated that there are no significant concerns regarding the two-storey element of the proposal, which is sited at the eastern end of the property. I concur with this viewpoint and, in the light of this, 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 269 Kenton Road by way of light, overshadowing and outlook.

Reasons

4. No 271 is a semi-detached house, situated on the southern side of Kenton Road, some 200 metres east of the commercial centre of Kenton. Kenton Road is a busy main thoroughfare characterised around the appeal site largely by semi-detached houses. However, No 271 is adjoined by a Dental Surgery at No 269 to the west, and a Driving School office at No 273 to the east. The proposed development would involve the construction of a full-width single-storey rear extension, some 6 metres in depth, with a two-storey element, some 2.5 metres deep, above the eastern part of the extension and set in over 3 metres from the boundary with No 269.
5. Policy DMP1 of the Brent Local Plan 2019-2041 (LP), gives examples of general requirements for the acceptability of new development. There are no specific examples that relate to this proposal although the justification for the policy indicates that it is important that development addresses issues such as outlook, daylighting and overshadowing, in order to create a high-quality environment.
6. The Council's Residential Extensions and Alterations SPD 2 (SPD) provides examples of requirements for residential extensions, including single-storey rear extensions. It notes that the maximum depth normally permitted is 3 metres from the wall of the house, although an extension up to 6 metres in depth may be acceptable, providing that for every additional metre beyond 3 metres in depth, the extension should be set in from the boundary by an additional metre to protect neighbouring residential amenity.
7. The Council contends that the proposed extension, by reason of excessive depth at ground-floor level adjacent to the rear windows of No 269 Kenton Road, would result in an undue impact on the amenities of that neighbouring occupier in terms of loss of light, outlook and overshadowing.
8. The appellant contends that No 269 has a long established commercial use and that there is, therefore, no adverse impact on any residential amenity. Moreover, most of the proposed single-storey extension could be constructed using permitted development rights, because Prior Approval of the extension is not required.
9. Detailed guidance on single-storey residential rear extension is given in the Council's SPD. This guidance, which includes potential restrictions on depth, is based upon protection of neighbouring residential amenity. In this case, the ground floor of the relevant neighbouring property, No 269, is not in residential use, and the appellant has provided details and photographs to support this. The impact of the proposal in terms of effect on light, outlook and overshadowing is, therefore, not relevant in terms of neighbouring residential amenity.
10. In addition, the appellant notes that a recent application to the Council relating to permitted development rights for residential rear extensions has resulted in acceptance by the Council that Prior Approval is not required for a 6 metre deep extension along the boundary with No 269. The fact that the construction of the majority of the proposed single-storey element of this proposal could be carried out under permitted development rights, is a significant fall-back position.

11. The Council contends that there has been no Certificate of Lawful Development issued for such an extension, but this does not affect the fact that no Prior Approval is required. There was apparently no objection made to the Prior Approval application, as noted by the Council, and there has similarly been no objection to the current application. There would not, therefore, appear to be any reason why the earlier decision relating to the lack of need for Prior Approval should not still be a relevant factor at this stage of the proposal.
12. In conclusion, I find that the proposed single-storey rear extension would not result in any harm to the living conditions of the occupiers of No 269 Kenton Road by way of light, overshadowing or outlook, since the issue of impact on residential amenity does not arise. The proposal would not conflict with Policy DMP1 of the LP or with guidance on residential rear extensions in the SPD.

Conditions

13. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR