



## Appeal Decision

Site visit made on 1 August 2022

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8th August 2022**

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**Appeal Ref: APP/T5150/D/22/3294443**

**23 Chestnut Grove, Wembley HA0 2LX**

- 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 G Bose against the decision of the London Borough of Brent Council.
  - The application Ref 21/4563 dated 14 December 2021, was refused by notice dated 11 February 2022.
  - The development proposed is retrospective planning application for hip to gable roof extension, rear dormer window and front rooflights.
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### Decision

1. The appeal is allowed and planning permission is granted for hip to gable roof extension, rear dormer window and front rooflights at 23 Chestnut Grove, Wembley HA0 2LX in accordance with the terms of the application ref: 21/4563 dated 14 December 2021, subject to the following conditions:
  - 1) The development hereby permitted shall be maintained in complete accordance with the following approved plans: location plan (CG PP 03 Rev B) and existing floor plans and elevations (CG PP 02 Rev A);
  - 2) The materials used in development hereby permitted shall match those of the existing dwelling unless details are submitted to, and approved in writing by, the Local Authority.

### Procedural Matters

2. The new Brent Local Plan 2019-2041 (LP) was adopted by the Council on 24 February 2022. The policy within the refusal reason, from the Development Management Policies Plan 2016 (DMP), has been formally revoked and is no longer part of the development plan for Brent Council. As a result of this change both parties have been given an opportunity, with five working days, to provide comment on the new Local Plan with regard to this appeal. The Council have responded to confirm that DMP Policy DMP1 has been replaced with LP Policy DMP1 and have provided a copy of the latter policy as part of the documents before me.
3. The appeal proposal before me is submitted on a retrospective basis. The appellant's submissions note that a second appeal on this site was submitted at a similar time under reference - APP/T5150/X/21/3283990 and it was requested that the appeals be linked due to the fact they concerned the same proposals. I have requested a copy of that appeal decision and note that the appeal was determined separately on 28 March 2022 and it was allowed.

4. The decision in APP/T5150/X/21/3283990 confirms that the hip-to-gable enlargement and rear dormer and roof lights do not exceed the limitations of Classes B and C in the General Permitted Development Order, Article 3, Schedule 2, Part 1. They were certified as lawful for planning purposes. I have taken this decision into account as a material consideration as both appeals seek to retain the same development, which had been completed at the point of determination for both appeals, as noted by paragraph 7.10 of the appellant's statement.

### **Main Issue**

5. The main issue is the impact of the proposal upon the character and appearance of the host property and surrounding area.

### **Reasons**

6. The appeal property is one of a pair of semi-detached dwellings in a residential area. As built, the dwelling had a pitched, hipped roof form and the works undertaken are shown on the drawings submitted and comprise a hip-to-gable extension and rear roof dormer as well as insertion of two roof lights in the front roof slope. There are, therefore, several elements to the proposal.
7. The refusal reason is specific in its reference to the main issues being based upon the existing dormer as a result of excessive width and its relationship with the roof of the rear outrigger. The Council's report confirms that the hip-to-gable roof extension is acceptable and no comment is made with regard to the front rooflights so I assume these were also deemed acceptable. I have no evidence to conclude differently on these elements so for the avoidance of doubt the appeal will focus upon the rear roof dormer.
8. The Council's Residential Extensions and Alterations SPD2 2018 (SPD2) generally permits rear dormers, which can be the full length of the *original* roof plane, with a set down of at least 0.3m from the ridge and set up from the eaves of at least 0.5m. The plans demonstrate existing dormer is consistent with these measurements with regard to set up and set down guidance. The dormer is, however, wider than the original rear roof plane and connects with the roof-form of the two storey outrigger. In that regard it does not comply with the guidance set out in SPD2 for rear dormers.
9. I do find that the combination of the roof alterations and the awkward interaction with the two-storey outrigger results in excessive bulk at roof level when considering the character and appearance of the host property itself. This is exacerbated by the contrast between the roofs of the semi-detached pair as they stand. Despite this I note examples of similar development in the vicinity of the appeal site on other buildings. The dormer would be limited in views from the street scene. As a result of the latter two points I find that the proposal would not be detrimental to the character and appearance of the surrounding area. As a result of the impact I find to the host property itself, due to bulk at roof level, the proposal would be contrary to LP Policy DMP1 which requires development scale and design to complement the locality as well as being contrary to the guidance within SPD2 as outlined above.
10. As outlined in procedural matters the proposals before me were subject to another appeal concerning the Council's refusal to grant a certificate of lawful use or development in respect of the existing hip to gable end roof extension,

dormer window and two front rooflights. This appeal was successful and the proposals before me have thus been certified as lawful for planning purposes which is the fallback position. I find this is a material consideration to which I attribute very strong weight. It indicates that a departure from the LP is fully justified within this appeal, where the starting point for the proposals is the LP, and allows the appeal to be successful on this occasion.

### **Conditions**

11. The Council have suggested three standard conditions in their questionnaire, however, given that the proposal is retrospective there is no requirement for a time condition relating to commencement of the development. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure the proposal matches the host dwelling and that any deviations in materials from existing are approved by the Council to ensure an appropriate finish is maintained.

### **Conclusion**

12. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

*Eleni Randle*

INSPECTOR