



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

Appeal Ref: APP/T5150/D/22/3299563

28 Tudor Court North, Brent, Wembley, HA9 6SF

- 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 Przemyslaw Mroz against the decision of the London Borough of Brent Council.
 - The application Ref 22/1054 dated 22 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is part first floor rear extension to dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for a part first floor rear extension to dwellinghouse at 28 Tudor Court North, Brent, Wembley, HA9 6SF in accordance with the terms of the application ref: 22/1054 dated 22 March 2022, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
 - 2) The development hereby permitted shall be undertaken in complete accordance with the following approved plans: site location plan (1376_P01 Rev A) and plans and elevations as proposed (1376_P11 Rev A).
 - 3) 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.

Main Issues

2. The main issues are the impact of the proposal upon i) the residential amenity of 26 and 30 Tudor Court North with regard to outlook and ii) the character and appearance of the host building.

Reasons

Residential Amenity

3. The appeal site is a two storey, semi-detached, residential dwelling located within a residential area. The host building benefits from an existing single storey rear extension and dormer window and the proposal seeks to add a part first floor rear extension which would project beyond the rear wall to a maximum depth of 2.4m. The Council's Residential Extensions and Alterations SPD2 2018 (SPD2) is guidance and it falls to consider the overarching objective of that guidance – non-compliance should not automatically warrant refusal. In this case its objective is to ensure appropriate outlook is maintained for

neighbouring occupiers. The SPD2 also advises that two storey rear extensions, where they comply with the 1:2 rule in respect of the nearest first floor habitable room windows on neighbouring properties, are generally allowed to a maximum depth of 3m.

4. At the time of my site visit I noted, when stood in the appeal site garden that the nearest first floor window in the house to the left (no. 30) is glazed with frosted/obscure glazing whereas the other first floor window in the same property was clear. This would suggest that the nearest first floor window, at no. 30, is serving a bathroom and the latter, a bedroom. Whilst there is no single legal definition of "habitable room" it is generally accepted that a bathroom is not a habitable room. This combination of factors means that I have no evidence to support that the proposal would impact upon the visual outlook of no. 30 given that the basic ability to look outwards a reasonable distance, or what neighbouring occupiers look out on to, is already largely restricted by the glazing in place within the bathroom window. The Council have raised no refusal reason, nor concern, with regard to light. I find the neighbouring bathroom would be left with enough natural light to allow the room to be comfortably used and it has been evidenced to comply with the 45-degree rule on the submitted plans.
5. With regard to no. 26, the other side of the pair of semi-detached properties, the nearest first floor window is not obscurely glazed and presents as a habitable room. The distance to the centre line of this window is stated by the Council to be 4.3m which, applying the 1:2 rule, would allow for an extension of 2.15m. The proposal before me would exceed this by 0.25m. I do not find that this modest projection above the guidance of the 1:2 rule would result in an impact upon outlook for the occupiers of no. 26 to warrant refusal in this case.
6. For the reasons outlined above I do not find the proposal presents as excessive as a result of its positioning or projection. The proposal would be consistent with Brent Local Plan 2019-2041 (2022) (LP) Policy DMP1 in so far as it seeks to deliver high quality design which ensures high levels of internal and external amenity. Whilst the proposal is not in strict compliance with the 1:2 rule set out in SPD2, for the reasons outlined above, I am satisfied the proposal is consistent with the objectives of that guidance in maintaining the outlook of neighbouring occupants.

Character and appearance of the host building

7. The Council's assessment of this point is limited stating that in terms of design the roof-form of the proposed extension would not be clearly separated from the rear dormer window located at roof level and would appear incongruous and discordant. From the plans before me I find that the ridge of the proposal would be level with the base of the existing dormer but that this would still result in clear visual separation between the dormer and the proposal which is sufficient.
8. I do not find that the proposal would look out keeping or jarring when considering it would be a relatively modest addition in the context of the existing extensions which have already notably changed the character and visual appearance of the host dwelling. I do not find the proposal would have a detrimental impact given its overall limited scale in terms of projection and being no more than half the width of the host dwelling.

9. The proposal would be consistent with LP Policy DMP1 which supports development that is of a location, siting, layout, scale, materials, detailing and design which complements the locality and LP Policy BD1 which seeks to secure urban design quality. The Council's report states that SPD2 notes that it is not often possible to erect a two-storey rear extension where there is an existing rear dormer window as this can result in an unacceptable design. The relevant extract of SPD2 has not, however, been submitted this this appeal. Despite this I find the proposal results in acceptable design and thus would conclude it is consistent with the overarching objectives of the SPD2 in so far as it seeks to secure acceptable design.

Conditions

10. The Council have suggested three standard conditions in their questionnaire which I have applied. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. 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.

Conclusion

11. 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