



Appeal Decision

Site visit made on 8 June 2022

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 12 August 2022

Appeal Ref: APP/T5150/W/21/3277835

24 St. Augustines Avenue, Wembley HA9 7NX

- 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 Joseph Shanmuganathan against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/0796, dated 5 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is 2-storey rear extension and roof alteration to existing ground floor side extension and porch.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Brent Local Plan 2019-2041 (the Local Plan) was adopted in February 2022 after the issue of the Council's refusal. However, Policy DMP1 of the Brent Development Policies 2016 which was referred to in the Council's refusal notice although superseded is now replicated as Policy DMP1 in the Local Plan.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the host dwelling and the surrounding area with regard to the porch and (ii) whether the works to the rear of the appeal dwelling harm the living conditions of existing or future occupants at No 22.

Reasons

4. The appeal dwelling is a two storey semi-detached dwelling in a residential street of a similar style of dwellings. Whilst there are some variations in terms of appearance, a number of the dwellings retain a pitched canopy -style roof over the front door and feature bay windows. Some properties have added to the canopy to provide an enclosure to the front entrance. Where dwellings have been extended at the front up to the boundary, the additions are largely set back from the main elevation. The proposal includes extending the existing dwelling with alterations to the rear and also to the front.

The front porch – character and appearance

5. From the front, the appeal dwelling has the same style of rounded bay window as the adjoining semi-detached dwelling at No 22. No 22 retains a canopy over the front door with a modest garage to the side. No 26 to the other side has

extended up to the boundary with the appeal dwelling but with a set back to the element closest to that boundary. The porch of the appeal dwelling has also been previously extended up to the boundary with No 26 and finishes just before the front bay window. The existing porch element is a rectangular shape as it has a side window as well as an entrance door which creates a box – like appearance at the front. The Council indicates that the existing porch arrangement has been in place for over 4 years.

6. The appellant proposes to alter the existing porch by reducing the existing height and then adding a pitched roof. Pitched roofs are common on largely modest canopy or porch elements along the street. However, the proposal would also widen the existing bulk of the porch and bring it closer to the existing front bay window. There is currently a very modest gap between the existing structure and the bay window.
7. The appellant states that the existing porch is bulky and out of keeping. However, part of the reason for that bulk is the width of the extension. Adding to that bulk by reducing the existing modest gap is not a visual improvement particularly when the pitched roof would result in a taller structure of the same depth. For those reasons, the porch proposal would harm the character and appearance of the host dwelling and the surrounding area.

The rear extension – living conditions

8. The proposal to the rear would add a pitched roof to the side extension on the boundary with No 26 as well as adding a 2 storey rear extension. The Council's concern with regard to the proposal at the rear is limited to the relationship between the ground floor element of the rear extension and No 22 which is the adjoining semi-detached dwelling. At ground floor level, the extension would have a depth of around 3.81m with no set in from the shared boundary.
9. The rear of No 22 has not been extended. As a result, it has windows to habitable rooms on its rear elevation next to the shared boundary. In view of the absence of a set in at ground floor level and a depth of around 3.81 metres, the ground floor element of the extension at ground level on the boundary would be in very close proximity to the rear elevation and windows of No 22.
10. At present, there is no built development at the appeal dwelling next to the boundary fence with No 22 as the existing ground floor extension is to the other side of the appeal dwelling. In the absence of a set in and with a depth of in excess of 3 metres, the rear extension would cause harm to the living conditions of the occupants of No 22 in terms of amenity due to loss of light.
11. The development is therefore in conflict with Policy DMP1 of the Brent Local Plan which amongst other things states that development will be acceptable provided it is of a design that provides high levels of internal and external amenity and complements the locality. It is also contrary to the Supplementary Residential Extensions Design Guide (2018) which refers to single side extensions generally having a set in to the side when the extension is in excess of 3 metres in depth.

Other Matters

12. No 26 to the other side of the appeal dwelling has already been extended directly along the other shared boundary with the appeal dwelling. The

appellant is aggrieved that the Council granted a rear extension at No 26 which extends out by 3.8 metres in October 2019. I do not have any information about the extent of that application or the reasons why it was granted. The appellant also refers to an extension being granted at No 28. However, particularly when considering impact to living conditions, each proposal has to be assessed upon its own specific location and merits. For example, the extent of built development to the rear of No 22 is not the same as the rear of the appeal dwelling which has an existing ground floor extension. The assessment of impact upon living conditions by neighbouring development is therefore not the same for each dwelling.

Conclusion

13. The porch element would harm the character and appearance of the appeal dwelling and the surrounding area and the ground floor element of the rear extension would cause harm to the living conditions of existing or future occupants at No 22. Therefore for the reasons given, the appeal is dismissed.

E Griffin

INSPECTOR