



Appeal Decision

Site visit made on 3 August 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2022

Appeal Ref: APP/T5150/D/22/3295160

5 Barham Terrace, Silverworks Close, London NW9 0FD

- 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 Mrs Bhavnani against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/0045, dated 6 January 2022, was refused by notice dated 24 February 2022.
 - The development proposed is the construction of a lean-to style UPVC conservatory to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for a lean-to style UPVC conservatory to the rear at 5 Barham Terrace, Silverworks Close, London NW9 0FD in accordance with the terms of the application, Ref 22/0045, dated 6 January 2022, 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: site location plan, block/site plan, visualisation by SEHBAC Ltd and drawings nos. 3148030/1 and 3148030/2.
 - 3) The materials to be used in the construction of the external walls of the development hereby permitted shall match those used in the host building.

Procedural Matter

2. The Council's decision refers to Policies DMP1 and DMP19 of the Brent Development Management Policies 2016 ('BDMP'), and Policy BH13 of the Draft Local Plan.
3. However, the Council has now adopted the Brent Local Plan 2019 - 2041 (2022) ('BLP'); and as the referenced policies from the BDMP are superceded, I have had no further regard to them. I have therefore considered this scheme against, amongst other things, BLP Policy BH13.

Main Issue

4. The main issue is whether the occupants of the host property would experience satisfactory living conditions.

Reasons

5. BLP Policy BH13 sets out that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy residents' needs, and that this is normally expected to be 50sqm for a family house.
6. The host comprises a mid terrace, three bedroom, dwelling, which has a modestly proportioned private outdoor amenity space to the rear. Whilst I have few details, I understand that permitted development rights on this estate, are restricted by a planning condition and, according to the Council's calculations, as a result of the scheme, this property's external amenity space would reduce from around 50sqm to around 35sqm.
7. I observed that the outdoor amenity space currently comprises a patio with steps leading to a mounded lawn. Given its composition and size, it provides limited opportunities for significant outdoor play.
8. As a result of this scheme, some of the existing patio would be retained, as would all the raised area beyond the steps, thus leaving an outside area to socialise and perform domestic tasks. Moreover, given its patio doors and its glazed roof, in many regards the proposed conservatory would perform a broadly similar function compared to that part of the patio it would replace, with comparable opportunities to sit, play and relax whilst enjoying the natural light and fresh air.
9. Additionally, I note that the children's play area, outdoor space and associated facilities at Grove Park are within easy walking distance of the site, although I accept that, as a public space, they do not perform exactly the same function as a private amenity area.
10. Summing up, whilst the resultant external private amenity space here would fall below that normally required for new dwellings by BLP Policy BH13, the scheme would nevertheless provide appropriate living conditions to meet the current and future residents' needs. Notwithstanding the slight conflict with the development plan, the scheme would not result in significant harm, and the appeal will therefore be allowed.
11. Turning to the matter of conditions, I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans. Finally, in the interests of the character and appearance of the property and the area, a condition is necessary requiring that the walls of the conservatory be faced in materials to match those in the host building.
12. For the above reasons, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR