



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: 12TH August 2022

Appeal Ref: APP/T5150/D/22/3295545

61 Lavender Avenue, London, NW9 8HG

- 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 J Jeffers against the decision of the London Borough of Brent Council.
 - The application Ref 21/4078 dated 30 April 2021, was refused by notice dated 31 December 2021.
 - The development proposed is single storey rear extension, single storey side infill extension with 3 rooflights, creation of front porch and roof alterations to existing rear and side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. 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, has been formally revoked and is no longer part of the development plan for Brent. Despite this the appeal before me was submitted a month after the new LP was adopted via an agent, on 24 March 2022, with no specific reference to the revoked policies made within the appellant's statement. I consider the appellant has had opportunity to include matters relating to this policy change, should they have wished to, at the point the appeal was lodged.
4. The Council's submissions note that works have been carried out to the property including a single storey side and rear extension which they have noted as having no planning record with there being no extensions visible from March 2021 Google earth images. The appellant has not responded to this statement within their submissions but the legality of these works, in planning terms, is outside the scope of this appeal and I have determined the appeal based upon its own merits based upon the submitted plans before me regardless of the status of any existing works on site.

Main Issues

5. The main issues are the impact of the proposal upon i) the residential amenity of 59 Lavender Avenue with regard to reduced outlook, loss of light, overbearingness and increased sense of enclosure and ii) the character of the host dwelling and the streetscene.

Reasons

Residential amenity

6. The appeal site is a two-storey, semi-detached, dwelling located within a residential area which benefits from an L-shaped rear extension. There are several elements to the proposal with the first refusal reason being specific to the proposed side to rear extension. The Council's report confirms that the height and width of the side extension itself would comply with guidance set out within the Residential Extensions and Alterations 2018 (SPD2). Whilst the SPD2 is guidance, it is clear in this case that the guidance, outlined below, is specific in its objective to protect amenity as a result of appropriate scale and design taking into account the host dwelling and relationship with neighbouring occupiers.
7. SPD2 guidance generally allows single-storey rear extensions on attached houses of up to 3m in depth from the existing rear building line of neighbouring properties. Up to 6m in depth is noted as potentially being acceptable where the extension is set in from the side boundary by 1m for every 1m of additional depth (above 3m). Roof heights should not exceed 3m for a flat roof and 4m for pitched roofs and infill extensions on side boundaries should be no higher than 2m high on the boundary.
8. The proposed rear extension would be stepped, measuring 3m deep behind the main house next to adjoining no. 63 Lavender Avenue, which is confirmed by the Council as acceptable, however, beyond the side extension the proposal would result in an overall depth of 6.85m from the rear elevation along the boundary with No. 59 Lavender Avenue. The additional projection next to No. 59 Lavender Avenue would measure around 3.22m - 3.26m to the eaves, on the boundary, and have a maximum overall height of 4.2m.
9. The Council have set out clearly that they have based their assessment of the dimensions of the former garage from plans on an application made in 2008. The applicant has not disputed this approach to assessment within their appeal statement and indeed refers to that fact there *was* a rear garage present in E4) of their statement. The Council's submission outlines that the eaves of the extension would not be higher than the flat roof of the former garage, however, the overall height would exceed the height of the former garage and guidance within the SPD. The rear projection beyond the side extension would exceed the SPD2 guidance of 6m by 0.85m and this would exceed the depth of the former detached garage. It is therefore larger than the former garage in terms of height and depth.
10. The Council's refusal reason references a loss of light; however, this is not discussed within the delegated report. Taking into account the former garage building I do not have evidence before me to suggest that the proposal would result in a loss of light which would warrant refusal. Despite this find that the overall depth and height along the boundary with no. 59 Lavender Avenue, would exceed that of the former garage and that this height and depth would have a harmful impact on residential amenity with regard to outlook due to the further reduction in a basic ability to look outwards a reasonable distance. I also find the proposal would be overbearing and result in an increased sense of enclosure due to its height and presence along the boundary taking into account that no. 59 has not been extended to the rear as well as that no. 59 is at a lower site level than the appeal site.

11. The proposal would be contrary to the guidance contained within SPD2 in terms of height, depth and proximity to the neighbouring boundary which would result in unacceptable impact upon the neighbouring amenity of the occupants of no. 59 Lavender Avenue. The proposal would be contrary the National Planning Policy Framework 2021 which, in paragraph 134, confirms that significant weight should be placed upon supplementary planning documents and paragraph 130 which seeks to ensure a high standard of amenity for existing and future users.

Character of the host dwelling and the streetscene

12. The second part of the first refusal reason relates to the character of the host building and character of the wider locality. I find that the principle of side and rear extensions in this location is acceptable, however, this is subject to compliance with other guidance and policy requirements as outlined. The appellant notes that other properties in the surrounding area benefit from rear/side extensions, however, does not provide detail as to these examples which means I can attribute limited weight to these. I have no evidence to support that the proposals are of comparable merit to that before me and in any case each case should be considered on its own merits. Overall I find that the combination of proposals would result in a disproportionate, dominant, addition to the character of the host dwelling as a result of the proposals overall depth and wrap around the host dwelling.
13. The second refusal reason is specific to the front extension as a result of creation of a front porch. The SPD2 notes that front extensions, such as porches, linked to front bays, garages or front extensions to garages are not generally permitted unless they are predominant within the character of the area. Only one property has a front extension which is stated to benefit from planning permission on Lavender Avenue. The appellant's statement does not address the second refusal reason relating to the front extension or provide evidence to the contrary.
14. The proposed porch would be linked to the bay window and proposed extension which, given limited examples of such development in the area, means the proposal is contrary to the guidance contained within SPD2. The proposal would result in what would present as a single storey wrap around extension which, from the front elevation, would present as too wide and uncharacteristic being the equivalent, with overlap, of nearly the full width of the host building in total. This would relate poorly to the host building as a result of the width but also the connection to the existing bay window. The proposal would present as prominent within the streetscene due to the bulk and massing and stark comparison between the lower neighbouring garage at no. 59 Lavender Avenue.
15. The proposal would be contrary to SPD2 guidance which confirms that front extensions will not be permitted unless they are the predominant character of the area. This includes porches that are linked to front bays or garages or front extensions to garages. The proposal would also be contrary to paragraph 130 of the Framework which confirms that decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character.

Other Matters

16. I note an objection from the neighbouring property at no. 59, however, I have dealt with matters relating to residential amenity and the property in question within the main matters above. Even if the neighbours had not objected a lack of objection is a neutral consideration.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR