



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: 19TH AUGUST 2022

Appeal Ref: APP/T5150/D/22/3295012

54 Kingsmere Park, London, NW9 8PL

- 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 Harry Dhariwal against the decision of the London Borough of Brent Council.
 - The application Ref 21/4333 dated 15 November 2021, was refused by notice dated 7 February 2022.
 - The development proposed is two storey wrap around extension, single storey side extension, side outrigger, hip to gable end roof extension and rear rooflight to the dwellinghouse.
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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 policies within the refusal reason, from the Development Management Policies Plan 2016, have been formally revoked and are no longer part of the development plan for Brent. Policies from the then draft Local Plan 2020 were referenced within the reasons in accordance with paragraph 48 of the National Planning Policy Framework 2021. Both parties have been given an opportunity to provide further comment on the new Local Plan with regard to this appeal. The appellant has responded to confirm that this does not alter the appellant's case that has been presented. The Council sent no further comments.
4. At the time of my site visit I also undertook a site visit as part of the determination of a second appeal at adjoining property 56 Kingsmere Park (APP/T5150/D/22/3299999). Each case is to be considered on its own merits. The appeals are the subject of separate decisions and I have determined the proposals based upon the statement of case and evidence which is before me.

Main Issues

5. The main issues are the impact of the proposal upon
 - i) the residential amenity of the occupiers of 52 and 56 Kingsmere Park with regard to loss of outlook and overbearing impact and;
 - ii) the already extended dwellinghouse.

Reasons

Residential amenity of the occupiers of 52 and 56 Kingsmere Park (no. 52 and no. 56) with regard to outlook and overbearing impact

6. The appeal site is a two-storey, semi-detached, dwelling. The dwelling benefits from a full width (side to rear) dormer, however, retains the pitched roof as per the existing plans. The first refusal reason is specifically limited to the two storey rear extension; referencing depth, size and siting at ground and first floor levels. This has, however, been separately assessed as a single storey rear extension in the Council's delegated report. Neither the Council's report, nor refusal reason, is based upon a loss of daylight or sunlight and I have no evidence before me to conclude differently.
7. The Residential Extensions and Alterations 2018 (SPD2) generally allows single storey rear extensions on semi-detached houses of up to 3m in depth from the existing rear building line of neighbouring properties. Up to 6m in depth may be acceptable where the extension is set in from the side by 1m for every 1m of additional depth. Roof heights should not exceed 3m for a flat roof. The proposed single storey rear extension would project 4m to the rear of the host dwelling, with a 3m flat roof height, with no set in from the boundary so would exceed the SPD2 guidance by 1m.
8. The appellant has submitted details from an approval at 7 Kingsmere Park (18/3804), however, in that case the proposed rear extension (also 4m in depth) would only have protruded past the adjoining neighbours extension by 1m. In the case before me no. 56 (the adjoining property) has not been extended to the rear along the boundary and thus the extension would protrude a full 4m beyond the rear elevation, along the boundary with no set in, exceeding the SPD2 guidance. The cases are materially different and I find that the single storey extension would impact upon the outlook available to occupiers of no. 56 from habitable room windows and the garden as well as result in overbearing impact as a result of the proposed depth. It would impact upon the basic ability of occupiers to look outwards a reasonable distance and would be dominating.
9. A lack of objection from neighbouring occupiers is a neutral consideration. I note the garden sizes submitted by the appellant but the impact of the proposed single storey extension would be at its greatest in the amenity area immediately outside the rear of the neighbouring dwelling which is commonly the most heavily utilised area of private amenity space. Outlook is not, I find, simply restricted to views straight down a garden from within a property and the proposal would result in a sense of enclosure along one side which would be overbearing.
10. With regard to no. 52 I noted at the time of my site visit, and on the submitted plans (1012_PL06), that there is an existing garage at the rear within the appeal site which would be demolished. This does not appear to have been taken into account by the Council in their assessment. Taking into account the impact of this existing building (which is sited further along the shared boundary than the appeal proposal) I do not find that the ground floor rear extension, extending to 4m, would impact on the outlook of occupiers of no. 52 which would warrant refusal.

11. SPD2 generally allows 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, to a maximum depth of 3m. The Council confirm that the two-storey rear extension would be acceptable with regard to residential amenity of no. 56 due to compliance with both the 2:1 rule and not breaching the 45-degree line. I have no evidence to conclude differently.
12. The two storey rear extension would have a depth of 2m and would be set 3.1m from the middle of the nearest habitable room at no. 52. Applying the 2:1 rule it would allow for an extension depth of 1.55m so the proposal exceeds this by 0.45m. I do not find that this modest projection above the guidance of the 1:2 rule would result in an impact upon outlook at first floor level for the occupiers of no. 52 nor an overbearing impact to warrant refusal in this case. The proposal also does not breach the 45-degree line which, whilst this is separate to the 1:2 rule, further supports acceptable impact upon neighbouring occupiers.
13. Overall I find the proposal would be acceptable in terms of impact upon occupiers of no. 52, however, the depth of the ground floor element at 4m along the boundary with no. 56 which has not been extended would result in an unacceptable impact upon residential amenity. The proposal would not be consistent with LP Policy DMP1 as far as it seeks to deliver high quality design which ensures high levels of internal and external amenity or the guidance within SPD2 with regard to single storey rear extensions.

Existing extended dwellinghouse

14. There are several elements to the appeal proposal and the Council confirm that the two storey side extension is acceptable meeting the relevant guidance requirements. The second refusal reason is specifically limited to the first floor rear extension and its relationship with the existing full width rear dormer and the impact of that upon the already extended dwellinghouse itself.
15. The Council's refusal reason does not raise impact on the wider street scene or the wider area. They Council in fact confirm they find the hip to gable extension proposed would be an improvement to the current roof from when viewed from the street scene and I have no evidence before me to conclude differently on these elements. The proposals seek to alter the existing side to rear dormer by part converting it into a hip-to-gable loft extension.
16. In isolation I do not find the hip to gable extension to be uncharacteristic nor detract from the area given that there are similar examples of such alterations in the locality. It is the combination of roof forms viewed from the rear elevation which I find would result in negative impact to the host building itself as a result of the combined proposals and existing dormer as outlined below.
17. The dormer is existing, however, its interaction with the proposals falls for consideration. The SPD2 guidance generally permits rear dormers, which can be the full width of the original roof plane. Hip-to gable roof extensions are generally permitted unless there is there is an existing two storey side extension with a hipped roof. Dormers which project onto over a rear projection (whether original or an extension to the house) will not normally be permitted. In this case the existing dormer would merge with the first floor rear extension.

18. The combination of the side extension with the first floor rear extension is one which would wrap around the host dwelling as well as crossing over the full width dormer. I find the proposal engulfs the host dwelling rendering the rear elevation unrecognisable. The combination of roof forms which would be created from the side extension, first floor rear extension and its interaction with the full length dormer presents as awkward and top heavy with roof slopes crossing over the dormer. They would not present as sympathetic to the host dwelling as a result of the interaction of roof profiles regardless of the scale of the proposed ground floor extension. The location at the rear of the property, where public views are more limited, does not reduce the requirement for an emphasis on good design taking into account the original dwelling.
19. The appellant has submitted details from an approval at 7 Kingsmere Park (18/3804), however, as seen from the proposed rear elevation within those plans the proposals did not include a full width dormer as is the case before me. The first floor rear extension was also more modest which overall I find avoided the clash of roof forms which I find to be an issue within this appeal.
20. The proposal would be contrary to LP Policy BD1 which seeks to achieve new development that is of the highest architectural and urban design quality and which enhance local character. The proposal is contrary to the guidance contained within SPD2 as outlined earlier within this decision letter on this issue. Whilst it is acknowledged as guidance SPD2 has the overall objective of securing development that is appropriate and appropriate to the character of the existing dwelling.

Other Matters

21. I note submission of details of the previous refusal (21/3276); however, I have determined the proposals before me on their own merits though I acknowledge it is stated that the alterations made have sought to overcome the previous refusal reasons. The compliance of some elements of the proposal with both the SPD2 guidance and LP policies is noted, however, this does not outweigh the impact to residential amenity or design concerns which have been identified.
22. Comments have been submitted as to a lack of engagement from the Council during the application process, however, this is outside the scope of this appeal and there is no application for costs before me.
23. I note the Council's report raises matters with regard to impact upon trees to the rear of the site and within neighbouring properties but that this does not form a refusal reason. Had I found the proposal acceptable in other regards such information could have been sought via a pre-commencement condition attached to any permission granted.

Conclusion

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

Eleni Randle

INSPECTOR