



Appeal Decision

Site visit made on 22 August 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/T5150/D/22/3300335

151 Ealing Road, Brent, Wembley, HA0 4BY

- 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 S Pala against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/0447, dated 9 February 2022, was refused by notice dated 7 April 2022.
 - The development proposed is the erection of a part first-floor rear extension and removal of chimney.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part first-floor rear extension and removal of chimney at 151 Ealing Road, Brent, Wembley, HA0 4BY in accordance with the terms of the application, Ref 22/0447, dated 9 February 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: Drg Nos 3429FF-01/BK, 3429FF-02/BK, 3429FF-03/BK, 3429FF-04/BK, 3429FF-05/BK, 3429FF-06/BK, and 3429FF-07/BK.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Background and Main Issues

2. The Council's decision notice included three reasons for refusal. The third reason alleged that the plans which accompanied the original application were not sufficiently accurate to enable a full assessment of the proposal. This was amplified in the accompanying officer's report which stated that a lawful single-storey rear extension to the property was not complete. At the time of my visit an approximate 6m deep single-storey rear extension was substantially complete and I am satisfied that the proposed plans reflect this and enable a clear assessment of the proposed first-floor extension to be made.
3. Accordingly, the main issues are the effect of the proposal upon the character and appearance of 151 Ealing Road and the wider area, and upon the living conditions at 153 Ealing Road with particular regard to light and visual impact.

Reasons

Character and Appearance

4. The appeal property is a two-storey, semi-detached dwelling which has previously been altered including with a single-storey rear extension across the full width of the property and a hip-to-gable roof extension with a 'box-like' dormer to the rear. The proposal is to add a first-floor extension to the rear over part of the existing single-storey extension to a depth of 3m and which would be contiguous with the dwelling's side elevation and set away from the shared boundary with the attached property at No 153 by approximately 3.9m according to an undisputed figure provided by the appellant.
5. The proposed first-floor extension would have an eaves height matching the existing dwelling and a shallow pitched, hipped roof over. This would partly adjoin the front face of the existing dormer, which is set up from the eaves by a reasonable margin.
6. The Council's *Residential Extensions & Alterations Supplementary Planning Document 2* (SPD) advises that it may often not be possible to erect a two-storey rear extension where there is an existing rear dormer window as this can result in an unacceptable design. However, in this instance the overlap between the extension's roof and the dormer would be only very marginal and barely discernible when seen from the surroundings, including views from the rear of other properties and in gaps between them where the rear of No 151 can be glimpsed from the public domain. The significant majority part and form of the dormer would be unchanged including the fenestration pattern, which would remain clearly legible and far removed from the extension's roof and ridgeline. The extension would otherwise appear proportionate to the scale of the existing building and finished with materials to match, including roof tiles, which could readily be controlled by condition. I find nothing about the proposed roof arrangement that would be either complex or visually harmful and I therefore find no conflict with the aims and objectives of the SPD in this instance.

Living Conditions

7. The SPD advises that the depth of any two-storey rear extension is restricted to half the distance between the side wall and the middle of any neighbours' nearest habitable room window up to a maximum depth of 3m. The reason given for this 1:2 rule is to ensure that the loss of amenity and light to the neighbouring properties is kept within reasonable limits.
8. The Council estimate that the first-floor rear extension would be positioned approximately 5.8m from the middle portion of the first-floor window to the rear of No. 153 Ealing Road. In these circumstances the 1:2 rule would indicate that the first-floor extension should not exceed a depth of 2.9m. At 3m the proposed extension would marginally breach the guidelines. However, I saw that the nearest first-floor window at No 153 is wide and enjoys an open aspect over an expansive rear garden. There is no substantive evidence before me to demonstrate that there would be any significant loss of daylight within the habitable room served by this window. No 151 is positioned directly north of its attached neighbour and therefore there would be no impact upon any direct sunlight to the rear of No 153.

9. Any sight of the proposed extension in the first-floor outlook from No 153 would be at an oblique angle and from a reasonable distance from where it would appear as a well-considered and proportionate addition, rather than overbearing and intrusive. Although there would be a very slight numerical conflict with the guidance, I am satisfied that there would be no harm to the living conditions at 153 Ealing Road and therefore no conflict with the aims and objectives of the SPD in this regard.

Conditions

10. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposal is finished with materials that would match the existing.

Conclusion

11. For the reasons given, I conclude that there would be no harm to the character or appearance of 151 Ealing Road, or to the wider area, or to the living conditions at 153 Ealing Road. Consequently, there would be no conflict with Policy DMP1 of the Brent Local Plan 2019-2041 (LP), adopted February 2022, insofar as it, amongst other things, requires the materials, detailing and design of development to complement the locality and to achieve high levels of amenity. Neither, in the absence of any identified conflict with The London Plan design policies or the Brent Design Guide SPD1, do I find conflict with LP Policy BD1 which requires good design that responds to local character. Accordingly, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR