



Appeal Decision

Site visit made on 22 August 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2022

Appeal Ref: APP/T5150/W/22/3293875

20B College Road, London NW10 5EP

- 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 Surinder Mann against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/3101, dated 11 August 2021, was refused by notice dated 29 November 2021.
 - The development proposed is rear dormer roof extension with extension over the outrigger, formation of roof terrace and three front rooflights to first floor flat.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. Plan Ref: 210503-02-P3 Existing and Proposed Plans and Elevations has been identified on the appeal form as a plan not forming part of the original application. However, the Decision Notice indicates that this plan was before the Council when it made its decision. I shall consider the appeal on this basis.
4. Following submission of the appeal, the Council, on 24 February 2022, adopted the Brent Local Plan 2019-2041 (the BLP). The parties have had the opportunity to make observations as regards any relevance of this to the outcome of the appeal. I have considered the appeal having regard to the BLP and am satisfied that no party is prejudiced by me doing so.

Main Issues

5. The main issues are the effect of the proposal on:
 - The character and appearance of the host property and surrounding area; and,
 - The living conditions of neighbouring occupiers at 18 College Road (No.18) and 22 College Road (No.22), having particular regard to outlook.

Reasons

Character and appearance

6. The appeal site comprises a first floor flat within a traditional terraced row of two storey double bay fronted houses. Properties along the College Road frontage present a strong uniform character. A sense of regularity is also apparent to the rear, with similarly designed original two storey outriggers being commonplace, including at and in immediate proximity to the appeal site. Nevertheless, rear extensions and roof dormers of various sizes and styles also influence the character and appearance of the area.
7. The proposed extension over the outrigger, together with the enclosed terrace, would extend almost the full depth of the outrigger. Although the terrace would be stepped in from the eaves of the outrigger, the extension would extend its full width and would be only slightly below the height of the proposed dormer on the main roof. It would appear as a bulky and incohesive feature above the outrigger and connected to the roof dormer. The Council's Residential Extensions and Alterations SPD2 (January 2018) (the SPD) specifically guards against dormers that project onto or over a rear projection.
8. Even though the proposed dormer on the main roof of the dwelling would, if considered in isolation, comply with the SPD, and there are many similar examples in the surrounding area, it is intrinsically linked to the proposed extension and terrace over the outrigger. Consequently, due to the cumulative scale and elongated form of the proposal, particularly having regard to the significant projection over the outrigger, I consider the proposed development would result in a prominent and discordant feature on the rear elevation. Whilst I acknowledge that the rear elevation would not be clearly visible from many public vantage points. It would be glimpsed from Burrows Road and would be clearly noticeable to occupants of neighbouring dwellings.
9. The proposed enlarged first floor window and front roof lights would have an acceptable effect upon the character and appearance of the host building and area. Nevertheless, these aspects of the proposal are insufficient to overcome the overall adverse effects of the rear dormer, outrigger extension and roof terrace that I have described.
10. My attention has been drawn by the appellant to several other roof additions that have been constructed in the surrounding area, along with several other schemes that have been granted approval by the Council and appeal decisions that have been allowed locally. I also observed a number of dormers at surrounding properties during my site visit. Nevertheless, within the particular row of properties that contains the appeal site and that stretches from where College Road meets Ashburnham Road to where it meets Burrows Road, no roof dormer/extension of a similar depth or composition to that now proposed, has been brought to my attention.
11. I have been provided with often limited details with respect to the various individual examples highlighted by the appellant. Furthermore, it appears that many of the examples have been implemented under permitted development via certificate of lawfulness applications, and therefore are not directly comparable to a scheme seeking and requiring planning permission. Other

examples were determined prior to the adoption of the SPD, and thus are of limited relevance.

12. A recent appeal decision at 22A Herbert Gardens relates to a scheme that did not include a roof terrace. I have also not been provided with the relevant approved plans and that scheme is well-distanced from the appeal site under consideration here. It is thus an appeal decision of limited relevance. A 2018 appeal decision at 51B Leighton Gardens also relates to a site that is situated in a different row of built development that does not have a particularly close relationship to the appeal site. It is also a decision of limited relevance. I also note that none of the photographic examples of other sites provided in the appellant's statement influence the makeup of the particular terrace that contains the appeal site and none include external roof terraces.
13. Any direct comparison with other examples does not therefore indicate that the form of this proposal would sit comfortably within its setting. Moreover, the existence of other discordant examples does not justify further harm.
14. I therefore conclude that the proposal would cause harm to the character and appearance of the host property and surrounding area. The scheme fails to comply with Policy DMP1 of the BLP and the SPD in so far as this policy and guidance seeks to ensure development is of a siting and scale that compliments the locality.

Living conditions

15. The proposed dormer over the existing outrigger would project significantly from the main rear facing elevation of No. 18. Given its height, width and positioning, the dormer would present a sizeable and overbearing blank flank wall at close proximity to the rear facing window and side facing outrigger windows of No. 18 which serve, amongst other rooms, a lounge and kitchen area. I find the overall size and bulk of the proposed outrigger dormer would result in an oppressive and poor outlook when viewed from the rear and side facing windows of No. 18.
16. The proposed outrigger dormer also extends along the shared boundary with No. 22, which has a dormer on the main roof containing clear glazed windows. The appellant has provided a plan of the approved drawing for this dormer and advises that the dormer does not serve a habitable room. However, the plan provided is an elevation only and does not offer conclusive evidence to confirm the use of the room.
17. The Council state that the depth of the proposed dormer exceeds the 3m considered to be acceptable in the SPD, were a similar relationship of a single storey extension along a boundary to exist. To my mind, due its height and projection, the proposed outrigger dormer, together with the terrace enclosure, would cumulatively introduce a significant structure in close proximity to the southern aspect of rear facing windows that serve the dormer at No.22. This would result in a dominant sense of enclosure for occupiers of this room.
18. For the above reasons, the proposal would fail to provide acceptable living conditions for the occupiers of No. 18 and No. 22 having particular regard to outlook. This would be contrary to Policy DMP1 of the BLP and the SPD in so far as this policy and guidance seeks that development creates a high quality environment, addressing issues like outlook.

Other Matters

19. Neighbouring residents have raised the matters of potential loss of light and loss of privacy. However, as I found the scheme to be unacceptable for other reasons, there is no need for me to address these matters in further detail.
20. I have taken into account the benefits to the appellant regarding improvements to the standard of living. Nevertheless, I am not persuaded that alternative options to improve the accommodation would not exist nor that any improvement to be achieved would outweigh the significant, wider public harm that would be caused by this proposal. I also acknowledge the appellant's aim to minimise the dwelling's environmental footprint and to avoid the need for future alterations. However, it has not been clearly demonstrated how such matters would constitute material scheme benefits.
21. I note the appellant's comments about the Council's handling of the application. However, such criticisms are of little relevance to the planning merits of the case that is before me for determination.

Conclusion

22. The proposed development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
23. For the reasons given above I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR