



Appeal Decision

Site visit made on 15 August 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2022

Appeal Ref: APP/T5150/W/21/3289267

36B, Palermo Road, London, NW10 5YP

- 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 Tariq Mahmood against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/3555, dated 17 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is Erection of a rear dormer, 3 front rooflights and rear roof terrace with obscure glazed screen.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation has been provided that any change was agreed.
3. The Brent Local Plan (2019-2041) was adopted during the course of the appeal and the parties were invited to comment on its policies, which I shall therefore take into account.

Main Issues

4. The main issues are the effects of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of No.34 Palermo Road with particular reference to outlook.

Reasons

Character and appearance

5. The appeal building is a mid-terrace property, with a substantial outrigger and garden, common to the other dwellings within the terrace. The predominant character of this row of terraces on Palermo Road is one of unaltered traditional roof-planes. However, several properties on the row of terraces on Palermo Road, in close proximity to the appeal site, have rear dormer windows. Although the appeal proposal dormer windows appear similar to nearby examples, a glazed terrace within the roof of the outrigger and rooflights are also proposed.

6. The existing appeal building, including the outrigger has a simple pitched roof. The appeal proposal would introduce a large and prominent addition to it, which would almost extend the full length of the outrigger, and project above its ridge. Due to the combined size, length, and position of the proposal on the outrigger, only a small proportion of the existing roof plane would remain. As a result, the appeal proposal would therefore be disproportionate and not appear subservient to the host building.
7. Glazed terraces or balconies are not typical features on the rear of this row of terraces on Palermo Road. The appeal proposal terrace would therefore appear as an incongruous feature on the outrigger. As the roof plane on the adjacent properties remain unaltered, the appeal proposal would appear particularly discordant as it would disrupt the appearance of the row of terraces. Although I acknowledge the rear of the appeal building is not overly visible, there would be some glimpsed views of the rear of the terraces from the wider area from railway bridges. In any event, the appeal building, and proposals would also be visible from neighbouring properties and gardens.
8. Consequently, the proposal would harm the character and appearance of the area. The appeal proposal would not complement the locality in terms of scale, siting, and design and thus conflicts with Local Plan Policy DMP1. It would also be contrary to the Council's Residential Extensions and Alterations Supplementary Planning Document 2 (SPD2) in that part of the proposed dormer with the glazed terrace would project onto the outrigger. The proposal would therefore also conflict with the aims of the National Planning Policy Framework (the Framework) which contains amongst other matters the requirement for high quality design that responds to the character of the area.

Living Conditions

9. The appeal proposals would be positioned in the roof close to the eaves of the host building. Currently the pitched and sloping roof on the appeal building outrigger would provide some visual relief and space for the first-floor windows on No.34. Although, the windows of No.34 are already enclosed to a degree, as they are flanked by walls on both sides, the additional height and length of the appeal proposal would introduce a mass of built development, which would enclose the space further.
10. Due to the proximity of the rear windows at No.34, to the appeal building, the proposal would fail to meet the Council's 1:2 rule set out in SPD2, which is used to assess the acceptability of extensions, on neighbouring living conditions. The occupiers of No.34 would look out onto an imposing elevation, due to the upward extension of the building in proximity to their windows. This appeal proposal would have an overbearing presence and materially affect the outlook from the first-floor windows of No.34.
11. The proposals would therefore harm the living conditions of the occupants of No.34 Palermo Road. The proposal would fail to comply with Local Plan Policy DMP1, and SPD2 where they set requirements for appropriate living standards. The development is also contrary to the guidance within Paragraph 130 of the Framework which requires that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

12. I have been provided with examples of other nearby dormer windows. Only one of the comparable dormer extensions, at 26B, has planning permission. Although the dormer windows are similar in terms of overall size and design, the appeal proposal is significantly different by reason of the glazed roof terrace. Due to the combination of the dormer and glazed terrace, none of the cases are directly comparable to the appeal proposal, which limits the weight which I can attach to them in my Decision.
13. My attention has also been drawn to other permissions, which I have considered above, at Lechemere Road under ref: 21/1355, in respect of a roof terrace. The information before me does not indicate whether the latter site is in close proximity and thus seen in the context of the appeal site or if it is of a similar scale or arrangement. In any event I have judged this application on its own merits and concluded that harm would arise to the character and appearance of the area and neighbouring residents' living conditions.

Conclusion

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

K Williams

INSPECTOR