



Appeal Decision

Site visit made on 8 November 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Appeal Ref: APP/T5150/D/22/3301626

100 Norval Road, Wembley, Brent HA0 3SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Minesh Shah against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/0609, dated 19 February 2022, was refused by notice dated 1 April 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A.1.(g) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse consisting of a single storey extension beyond the rear wall of the original dwellinghouse of up to 8m in the case of a detached house and 6m in the case of any other house and where its height would not exceed 4m. This is subject to limitations and conditions.
3. Amongst these conditions, paragraph A.4(7) to Part 1 requires the developer to apply to the local planning authority for prior approval to assess the impact of the proposed development on the amenity of any adjoining premises in instances where any owner or occupier of an adjoining premises has objected to the proposed development.
4. As an owner or occupier of an adjoining premises objected to the proposed development, the prior approval of the local planning authority was required and was subsequently refused.

Main Issue

5. The main issue is whether prior approval should be granted under Class A of Part 1 of Schedule 2 of the GPDO, having regard to the effect of the development upon the living conditions of the occupiers of 98 Norval Road.

Reasons

6. 100 Norval Road is a semi-detached property located within a residential area. The property has a single storey rear extension and, beyond, within a spacious garden, a detached garage and shed. No 98 is the adjoining semi-detached property, its garden is separated from that of the host property by a fence. No 98 does not have a rear extension, though it appears to have a single storey addition to its side. No 98 has a feature two storey bay window to rear with the ground floor bay containing a number of windows and a glazed access door. The substantial amount of glazing to this bay window will provide the occupants with a pleasant outlook of the long rear garden and significant daylight and sunlight.
7. The extension would run along the common boundary with No 98 and thereby immediately adjacent to the rear garden of that property. The ground floor bay window serving No 98 is inset only slightly from the common boundary and therefore the proposed extension would run closely alongside and past this window.
8. At 6m, the projection of the extension from the back of the original house would be significant and considerably greater than the existing single storey extension. The extension would incorporate a shallow pitched roof. Therefore, whilst the eaves level may be below 3m in height, for the majority of its length it would be higher than 3m, substantially higher than the existing fence and, for the most part, higher than the existing extension it would replace.
9. The Residential Extensions and Alterations Supplementary Planning Document 2, 2018 (SPD) provides quite prescriptive guidance in relation to single storey rear extensions. The SPD advises that a single storey rear extension of up to 6m in depth may be acceptable providing that for every additional metre beyond 3m in depth, the extension is set in from the boundary by an additional metre. As the proposed extension would replace an existing extension and project by 6m without any boundary inset, the proposal would not comply with the advice contained within the SPD. There is no clear reason why the SPD guidance would not be appropriate to ensure the maintenance of appropriate living conditions in this case.
10. Although the existing garage would be demolished, this is located a considerable distance from the common boundary with No 98. Due to this distance, the effects that the existing garage will be having upon the outlook from the house and enjoyment of the garden at No 98 are far less significant than what would occur with the proposed extension.
11. For the above reasons, the proposed extension would create a harmful dominating effect upon the garden of No 98 and would unacceptably reduce the levels of outlook presently available from within the ground floor bay window.
12. I accept that the presence of the existing detached garage, rear extension and fence will collectively cause some reduction in light to the garden and bay at No 98. In the afternoon the garden and bay will benefit more from direct sunlight and the proposal would not affect this. Nevertheless, due to its length, height and proximity the proposed extension would be likely to reduce levels of daylight from the present situation and I have no substantive evidence before me that the development would not cause a significant amount of additional shading.

13. Consequently, I find that the proposed development would cause unacceptably harmful effects upon the living conditions of the occupiers of No 98.

Other Matters

14. Even though the development may adhere to the dimensional requirements of Schedule 2, Part 1, Class A.1.(g) of the GPDO, this case is nevertheless subject to the prior approval procedure. This procedure is embedded in the permitted development right and the approval is an essential component of the consent granted. The permitted development right applicable to this extension is contingent upon the grant of prior approval and does not exist without it.
15. The objection received in respect to the development was not submitted by the occupiers of No 98 but by the neighbouring occupiers within No 102. However, the need for prior approval is triggered by the receipt of an objection from any adjoining premises and the assessment in relation to living conditions to be undertaken relates to any adjoining premises including those where the occupiers did not make representations. The absence of objection from the occupiers of No 98 does not in itself render the scheme appropriate nor overcome my concerns in the main issue.
16. The Council have raised no objections to the development on the basis of the effects of the development upon the occupiers of No 102 or properties on The Fairway and I have no reason to disagree with this conclusion.
17. I accept that the extension would provide additional living space for the needs of the occupiers, but I have limited detail on precisely what these needs or requirements may be. In these circumstances these requirements are insufficient to outweigh the harm I have identified in the main issue.
18. The design and appearance of the extension may be acceptable, however, in this prior approval appeal the matters for consideration are confined to the impact of the development upon the living conditions of any adjoining premises. I cannot therefore attribute this matter weight in my Decision.
19. Finally, the appellant has drawn to my attention a number of other cases. Only limited detail in relation to each has been submitted. Notwithstanding this, I do note that in the case at 196 Alexander Street the proposed extension would appear set in from one adjoining boundary whilst the neighbouring property to the other side appears to have a significant rearward extension. If this is correct those circumstances differ from this case. From the description of the development in the Dalmeny Avenue case, that extension was lower than would be the case here. In the Farmstead Road case only a location plan is supplied, and it is unclear whether this depicts the layout of the extension or not. For these reasons I cannot attribute any meaningful weight to the cases presented.

Conclusion

20. For the reasons given above, the appeal is dismissed.

H Jones

INSPECTOR