



Appeal Decision

Site visit made on 17 January 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2023

Appeal Ref: APP/T5150/W/22/3305074

39 Donaldson Road, Brent, London NW6 6NE

- 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 Miss Johanne Cox against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/1897, dated 24 May 2022, was refused by notice dated 4 August 2022.
 - The development proposed is the insertion of a single storey side infill extension with glazed roof and new double glazed sliding doors to the rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above is different to that stated in Part E of the appeal form and the Council's decision notice. As neither of the main parties has provided written confirmation that a revised description of development has been agreed, I have used the description given on the original application form.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 41 Donaldson Road, with particular regard to outlook.

Reasons

4. The proposed extension would be in the form of a flat roofed single storey extension projecting off the side wall of the rear outrigger of the property and infilling most of the outdoor space between it and the boundary wall with 41 Donaldson Road (No 41).
5. The relatively long and solid side wall of the proposed extension would extend along the common boundary with No 41, for a considerable distance. At a height of around 2.7m, the long side wall would project above the brick boundary wall with No 41, including the trellis on top and the vegetation, mostly Ivy, that is growing over the wall.
6. In this position, the massing of the side wall of the proposed extension would be visible at a close distance from the relatively large clear glazed ground floor window in the side facing wall of the outrigger of No 41. Although the outlook from this window is currently towards the side wall of the host property's

outrigger and the upper courses of the boundary wall with trellis and vegetation above, I saw that there are gaps in the trellis where parts have broken away, including a gap directly in front of this window, and the height of the Ivy varies across the wall.

7. Set at such a close distance to the side wall of No 41, I find that the height and solidity of the side wall of the proposed extension, which would be markedly greater than that of the existing boundary wall, would have a dominant and overbearing effect on the occupiers' outlook from the room in No 41, that is served by this window.
8. Furthermore, the height, length and closeness of the proposed extension to the relatively large clear glazed ground floor window in the rear wall of No 41, would noticeably narrow the field of view for occupiers looking out of this window. The resultant view would be largely through the relatively narrow space that would remain between the side wall of the proposed extension and the side wall of the outrigger of No 41. Despite retaining a gap between the proposed extension and the rear wall of the host property, the proposed extension would have a dominant and overbearing effect on the occupiers' outlook from the room in No 41, that is served by this window.
9. Although the proposed extension would be visible from the narrow part of the garden of No 41, that is situated between the side wall of its rear outrigger and the common boundary, I find that the narrowness of this space, when compared to the rear garden, restricts its usability for relaxation and recreation by the occupiers. In this context, I find that the proposed extension would not unacceptably harm the occupiers' enjoyment of their outdoor amenity space. However, this would not outweigh the proposal's harmful effect on the occupiers' living conditions in respect of the outlook from the rooms within No 41, that I have identified above.
10. For these reasons, I conclude that the proposed development would harm the living conditions of the occupiers of No 41 Donaldson Road, with particular regard to outlook. As such, it would be contrary to Policy DMP1 of the Brent Local Plan (2019-2041), which requires the design, siting, layout and scale of development to provide a high level of amenity, amongst other objectives.
11. The proposed development would also be contrary to the guidance in the Brent Residential Extensions & Alterations SPD2 (2018) (SPD2), which requires extensions which infill the side return between a two storey outrigger and the boundary to be of a certain height to protect amenity.

Other Matters

12. I acknowledge that a lean-to style extension built to comply with SPD2 would, unlike the appeal proposal, present a view of a tiled roof facing No 41. However, I am required to consider the effects of the appeal proposal before me, and the relative merits of an alternative scheme has limited relevance to my conclusion on the main issue.
13. I recognise that the appeal proposal would not cause an unacceptable loss of light or lead to overshadowing that would harm the living conditions of nearby occupiers. The submitted daylight and sunlight assessment supports this finding. Furthermore, I recognise that the Council did not find harm to the character and appearance of the area. However, an absence of harm with

regards to these matters would be a requirement of any well designed scheme and does not weigh in favour or against the appeal proposal.

14. The absence of an objection from the freeholder of No 41, is not determinative and does not justify the proposal's unacceptable effect.
15. Concerns over the Council's handling of the planning application is not for me to resolve and should be referred to the Council in the first instance.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR