



Appeal Decision

Site visit made on 24 March 2023

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/F5540/D/22/3312320

22 Enfield Road, Brentford TW8 9PB

- 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 Simeon Downes against the decision of London Borough of Hounslow Council.
 - The application Ref 00409/22/P2, dated 01 August 2022, was refused by notice dated 28 September 2022.
 - The development proposed is 'Erection of a pergola to the rear of the property (retrospective)'.
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Procedural Matter

1. The description of development was changed following submission of the application to '*Retrospective application for the retention of a rear pergola attached to the house's existing single storey rear infill and rear extensions*'. As 'retention' is not a form of development, I have utilised the original description, which better reflects the nature of the development proposed.

Decision

2. The appeal is allowed and planning permission is granted for the '*Erection of a pergola to the rear of the property (retrospective)*' at 22 Enfield Road, Brentford TW8 9PB in accordance with the terms of the application, Ref 00409/22/P2, dated 01 August 2022, subject to the following condition:
 - a) No roof, sides or other means of additional enclosure shall be installed or constructed on the pergola hereby permitted without the prior written permission of the Local Planning Authority.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area; and,
 - The effect of the proposal on the living conditions of occupiers of neighbouring properties.

Reasons

Character and Appearance

4. The appeal site is an end of terrace dwelling situated within Enfield Road; a relatively narrow residential street with a tight grain of terraces which front the road behind very shallow front gardens.
5. The appeal scheme seeks permission for the erection of a timber pergola type structure which is already in situ. The pergola comprises of large timber legs and horizontal timber joists which lean-to the extended rear elevation of the host dwelling.
6. The site is not within a conservation area, and as such, the effect of the proposal on the public domain is the relevant consideration. Due to the tight grain of Enfield Road, the rear gardens of the dwellings are generally not visible within the wider public domain or street scene. An exception to this is adjacent to the appeal site, where another terrace fronts an alleyway known as 'Enfield Walk' which offshoots from the road, turning its flank to the road. At this point, it is possible to see the first few rear gardens of the terrace. Due to existing mature landscaping, it is not possible to view the gardens fully, and this, combined with the depth of the host dwelling, prevents any clear views into the rear garden of the appeal site. As such, the pergola is not particularly visible in the public domain and is certainly not prominent.
7. In any case, the pergola integrates well with the existing scale and proportions of the extended terrace dwelling.
8. For these reasons, the appeal scheme complies with policies SC7, CC1 and CC2 of the Local Plan Volume One, adopted 2015 and the aims of relevant guidance. These policies seek. Amongst other things, development which complements the original building, harmonises with adjoining properties and maintains the character of the general street scene and amenity of private spaces.

Living Conditions

9. The appeal scheme does extend almost the full width of the rear elevation and is thus close to the boundaries with neighbouring properties. It is an outrigger to an existing rear extension, and therefore it does extend some depth from the plane of the original rear elevation.
10. However, it is entirely open without a roof or sides and is of a modest scale and height. As such, it does not overbear or overshadow the neighbouring attached terraced property, its closest neighbour. The existing outlook across the gardens is very limited and, in any case, the neighbouring property has also been extended in part to the rear, has a full 1.8 to 2 metre solid fence boundary treatment and some mature vegetation along the boundary which mitigates any impact the pergola might have had in respect of loss of outlook. As such, the pergola does not adversely affect the living conditions of this neighbouring property.
11. Due to the positioning of the other terrace and the distance with its rear elevation, the appeal scheme also does not overbear, overshadow or result in loss of outlook for this property.
12. For these reasons, the appeal scheme accords with policies SC7, CC1 and CC2 of the LP and the aims of relevant guidance.

Conditions

13. The Council has requested two conditions; one to require the materials used in construction of the pergola to match the existing property and another to ensure construction in accordance with approved plans. Given that the pergola is already constructed, I do not consider the latter condition to be necessary. The dwelling is constructed in rendered and painted brick, and therefore I also consider a condition requiring the timber pergola to match these materials to be unnecessary. However, it would be important to maintain the openness or otherwise transparency of the pergola to protect the living conditions of the closest neighbour, and thus I consider it necessary to impose a condition requiring prior written permission for any roof or further enclosure of the structure.

Conclusion

14. For the reasons set out above, the appeal scheme accords with the relevant policies of the development plan and no material considerations indicate that the appeal should be determined other than in accordance with the development plan. The appeal is accordingly allowed.

Kim Langford Tejrar

INSPECTOR