



Appeal Decision

Site visit made on 30 March 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/T5150/D/22/3313669

69 Draycott Avenue, Brent, Harrow, HA3 0DD

- 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 & Mrs Paul Gayle against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/2687, dated 28 July 2022, was refused by notice dated 29 September 2022.
 - The development proposed is construction of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for construction of single storey rear extension at 69 Draycott Avenue, Brent, Harrow, HA3 0DD in accordance with the terms of the application, Ref 22/2687, dated 28 July 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and 69DRAY-PPE01 Rev 04.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of neighbouring occupiers of 71 Draycott Avenue, with particular regard to daylight, sunlight and outlook.

Reasons

3. The appeal site relates to a semi-detached house. Where the rear of the 2 houses joins, the ground floor projects out from the main wall of both properties with windows and doors opening onto their rear gardens under a single pitched roof. In the case of the appeal property these windows and doors serve the lounge. To the side of these rooms both houses have single storey rear extensions that project further into the gardens and are of a similar depth. This accommodates the appeal property's kitchen and a study. An approximately 1.5m wooden panelled fence runs along their shared boundary.

4. The proposed development would extend the ground floor beyond the existing lounge to the same depth as the kitchen and study, creating a family room joined to the kitchen. The new crown roof would be slightly higher than the existing kitchen and study roof. The Council is concerned that because the extension would run along the boundary with No 71, in combination with No 71's rear extension it would create a sense of enclosure and would also reduce access to daylight and sunlight to the garden and house.
5. Most of No 71's garden would be unaffected by the proposal. The rear room that would be affected already has limited outlook and access to sunlight and daylight because it is north facing and existing extensions on both properties, and the boundary fence, restrict views and cause some overshadowing.
6. The proposed extension side wall would be substantially higher than the existing boundary fence. However, its length when seen from the neighbouring windows, would not be so excessive as to appear unduly oppressive or increase the sense of enclosure to a degree that would harm the living conditions of occupiers of No 71. Furthermore, it would be less than the 4m maximum height, for a single storey pitched roof rear extension on a boundary, proscribed in the Council's Residential Extensions & Alterations Supplementary Planning Document (2018) (SPD).
7. I note that the SPD advises that extensions beyond 3m depth should generally be set in from the boundary. However, although the extension would exceed that depth by 0.6m, measured from the lounge window and corresponding rear elevation of No. 71, I do not consider it would be substantial enough to warrant a set in, which would not achieve much in the way of improving outlook or access to sunlight and daylight. In any case, I have found that the proposed development would not give rise to significant harm to the neighbours' living conditions. I therefore conclude that the proposed development would accord with Policy DMP1 of the Brent Local Plan (2019-2041) (2022) and the principles set out in the SPD which seek to ensure that development protects neighbouring residential amenity.

Conditions

8. In addition to a standard condition in relation to the time limit for the commencement of development, a condition confining the approval to specified plans is necessary for certainty and a condition regarding materials is necessary to safeguard the character and appearance of the area.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR