

Appeal Decision

Site visit made on 18 April 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 26th April 2023

Appeal ref: APP/T5150/D/22/3313877

99 Liddell Gardens, London NW10 3QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mr S Deeley against the decision of the London Borough of Brent Council.
 - The application, ref. 22/2837, dated 9 August 2022, was refused by a notice dated 11 October 2022.
 - The development proposed is the extension to ground floor and erection of 2nd storey side extension including rooflights, alteration to front door location.
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Decision

1. The appeal is allowed and planning permission is granted for the extension to ground floor and erection of 2nd storey side extension including rooflights, alteration to front door location at No. 99 Liddell Gardens, London NW10 3QB in accordance with the terms of the application, ref. 22/2837, dated 9 August 2022, 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 development hereby permitted shall be carried out in accordance with the following submitted and approved plans: S.01; E.01; E.02; E.03; P.01; P.02; P.03; P.04; Design and Access Statement.

Main issues

2. The main issues in this appeal are: 1. whether or not the proposed additions would be harmful to the character and appearance of the existing dwelling and the surrounding area; 2. the effect of the side extensions on the amenities of the rear gardens of Nos. 126 and 128 College Road.
3. The Appellant Mr Deeley's property, No. 99 Liddell Gardens, is a large south facing end of terrace house in a pleasant residential area. Alongside the western boundary to the house and its rear garden are the ends of the rear gardens of houses in College Road that runs northwards from the junction with Liddell Gardens.
4. Mr Deeley's extension project would add a 2 storey side extension to the existing western gable wall, extending the existing ground floor addition. The scheme would also provide a new front door access to the house, replacing the existing western side door.

Reason for refusal 1.

5. An earlier appeal decision of November 2017, (ref: APP/T5150/D/17/3181986), concluded that the side extension then proposed at No. 99 would not be a subordinate and sensitive addition; rather it would create a dominant addition, harmfully affecting the character of the host property. The Inspector in that case also concluded that the extension would be a highly visible overbearing and dominant feature when seen from the rear of Nos. 126 and 128 and their respective rear private amenity spaces. It would result in an unacceptable sense of enclosure.
6. In my view, the current project has adequately answered the concerns raised in the first appeal by setting back the first floor element to better integrate it into the host dwelling and to provide a sufficient gap at that level to the shared boundary with the Nos. 126 and 128 College Road rear amenity areas.
7. The Council expressed concern regarding what they considered to be an unsympathetic design of the proposed works, including their worries about such features as the bulk, massing, form and roof design at first floor and entrance door at ground floor. They said their construction would result in additions that would harm the character and appearance of the dwelling and its immediate surroundings, quoting local policies set out to ensure appropriate development. Those concerns are relevant and clear. But they do not, in my view, amount to sufficient reason to refuse to grant planning permission.
8. The Council said that although the extra depth and height would make the extension more prominent, the single storey element of the proposal would remain subordinate to the main dwelling. In isolation, it could be acceptable. They also noted the side extension would be set back from the principal elevation, be set in from the boundary and set down at the ridge. It would therefore appear subordinate to the main house. Although the Council had misgivings about what they saw as a mismatch between the extension's sloping roof and the gable wall of the existing house, I do not find their concerns sufficient to turn Mr Deeley's project away. I do not consider the proposed extension's design to be so unsympathetic to the existing house, awkward or prominent in the street scene as to warrant refusal. The scheme would not be in material conflict with Local Plan policy or SPD 2: Residential Extensions and Alterations (2018) guidance.
9. The Council said the style of the new front door to the house and that of the first floor window did not match the traditional style of the main dwelling. They would be out of character. They suggested that changes could be requested as an amendment or conditions if the application were otherwise acceptable, although they did not suggest a wording for such a condition. But for non outline applications, it is important to limit the use of conditions requiring their approval of further matters after permission has been granted. The ability to impose conditions requiring submission and approval of further details may extend to aspects of the development that are not fully described in the application. That is not the case here. A condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity, (National Planning Policy Framework: Paragraph: 006 Reference ID: 21a-006-20140306).

Reason for refusal 2.

10. The Council said the proposed first floor side extension would have an unacceptable overbearing impact and cause undue overshadowing to the rear gardens of properties Nos. 126 and 128 College Road. However, I agree with the Appellant that neither of those possible problems would be significant. The ground floor part of the side extension would be little higher than a permissible fence; the roof to the first floor section of the extension would be set well below the ridge of the main house and would be set in from the shared boundary with Nos. 126 and 128, sufficiently in my view, to minimise any 'hemmed in' feeling at the end of those neighbouring gardens. I consider that any overshadowing of the Nos. 126 and 128 rear gardens would be insignificant, especially minimised by their siting to the west of the appeal extension.
11. In concluding that planning permission should be granted for the side extensions at No. 99 Liddell Gardens, I note that no objections in relation to possible adverse effects on neighbouring houses' garden amenities were submitted. For the reasons given above, the appeal succeeds. The general condition limiting the duration of the permission is applied, (s.91 of the Act), as is a condition defining the project in the submitted layout plans.

John Whalley

INSPECTOR