

Appeal Decision

Site visit made on 18 April 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal ref: APP/T5150/D/23/3314151

41 Leigh Gardens, London NW10 5HN

- 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 Shane Murray against the decision of the London Borough of Brent Council.
 - The application, ref. 22/3458, dated 6 October 2022, was refused by a notice dated 30 November 2022.
 - The development proposed is the erection of single storey side extension at first floor level comprising of enlargement of existing loft conversion, addition of 1x front and 1x rear rooflight, and insertion of side facing door at ground floor level to dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the Erection of single storey side extension at first floor level comprising of enlargement of existing loft conversion, addition of 1x front and 1x rear rooflight, and insertion of side facing door at ground floor level to dwellinghouse. at No. 41 Leigh Gardens, London NW10 5HN in accordance with the terms of the application, ref. 22/3458, dated 6 October 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 approved plans: LG.OB.01, LG.EP.01, LG.EP.02, LG.EP.03, LG.EP.04, LG.PP.01, LG.PP.01, LG.PP.02, LG.PP.03, LG.PP.04, LG.EE.01, LG.EE.03 LG.PE.01, LG.PE.02, LG.PE.03.

Main issues

2. The Council refused to grant planning permission to Mr Murray's proposed house extensions for 2 reasons. First, they said the side extensions would be out of character with No. 41 and the street scene by creating a terracing effect with next door at No. 39. Second, the extensions would cause harm to the residential amenity and light enjoyed by those at No. 39.

Considerations

3. Leigh Gardens is a pleasant residential street fronted on both sides of the road by short and medium length terraces of 2 storey houses and semi-detached houses. No. 41, the appeal property, is connected to the house next door to the north-east at ground floor level, its single garage connecting with the 2

storey side extension added to No. 39. Mr Murray's project would effectively match the extension at No. 39 by filling the gap above his garage at first floor level between Nos. 41 and 39 up to the boundary between the 2 properties. That would complete a 2 storey terrace from No. 37 to No. 51. However, I am not persuaded that would result in such harm to the street scene that planning permission should be withheld. The completed scheme would close the first floor gap between Nos. 41 and 39, but the result would not look unduly incongruous or out of character, particularly when seen in the context of other terraces of 3 to 7 houses in Leigh Gardens.

4. Where local policy SPD2 allows two storey side extensions to houses, limitations as to width, set back and roof levels are sought. Little difficulty may arise when applying that policy to well spaced detached houses. But where, in this instance, the policy is to be applied to hipped roofed houses joined at ground floor level with a gap at first floor, fewer of the policy limitations can be usefully applied. For example, fuller policy compliance would require that the first floor element be set back from the main front wall by 2.5m, or by 1.5m if a distance of 1m to the side boundary was retained. The roof should match the pitch angle and roof form of the main roof, and be set down by at least 0.5m from the ridgeline. Where, as here, and where a full width 2 story side extension has already been built onto No. 39, a completion of the 2 story terrace introduces different considerations. Setting the front of the 2 story element of this project back by up to 2.5m would, in my view, produce an odd look, as would lowering the roof ridge line. It would appear contrived and ill fitting in an otherwise reasonably uniform terrace. What might otherwise have been considered an appropriate gap at first floor level between Nos 41 and 39 has already been substantially lost by the 2 story side extension at No. 39.
5. The Council's second reason for refusing to grant planning permission for Mr Murray's project was a failure to conform with the 1:2 rule in SPD2 in relation to the distance to the adjacent No. 39 Leigh Gardens. The Council said, albeit without explanation as to how this aspect of policy SPD2 applies to the appeal side extension, that there would be additional detriment to the residential amenity and light enjoyed by adjacent occupants at No. 39. In fact, the occupiers next door at No. 39 objected to Mr Murray's extensions project because they considered that foundation construction works could cause problems. Also, they were concerned that the loss of almost all the first floor gap between the 2 houses would lose any possibility of carrying out any maintenance works to the gable wall of No. 39. Whilst those concerns are recognised, they are not matters relevant to planning merit considerations.

Conclusion

6. For the reasons set out above, I conclude that the appeal should be allowed. The normal time limit condition on the permission is applied as is a condition requiring that the scheme is built in accordance with the application drawings.

John Whalley

INSPECTOR

