



Appeal Decision

Site visit made on 16 May 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal Ref: APP/T5150/D/22/3314285
9 West Close Wembley London HA9 9PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ayub Khan against the decision of Brent Council.
 - The application Ref 22/2146, dated 13 June 2022, was refused by notice dated 3 January 2023.
 - The development proposed is replacement of existing garage with proposed double storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of No.7 West Close.

Reasons

3. The appeal site, 9 West Close (No.9) is an extended and altered semi-detached two-storey house in an established residential area. The underlying topography of West Close has required significant level differences between adjacent plots to be accommodated even within dwelling pairs. The proposal would infill the space at the side of No.9, currently occupied by a garage, up to the boundary with No.7 West Close (No.7), its neighbour, which, at the relevant parts of the boundary, sits significantly below the appeal site.
4. The appellant has submitted a series of shadow plans which suggests that there is little or no difference as to access to sunlight between the effect of the two storey side extension and that arising from the additional depth of the side-to-rear extension here appealed. There is, however, nothing before me to confirm how these diagrams were created and, specifically, whether the effect of the change in floor/ground levels between No.9 and No.7 has been accounted for. Even if that were the case, there are other factors which affect (or would affect) the living conditions for occupiers of No.7.
5. As the submitted shadow diagram demonstrates, access to sunlight/daylight to the outdoor amenity space at the immediate rear of No.7 is already very restricted due to the northerly outlook at the rear and would be sensitive to the addition of enclosing built form along the boundary. In this regard the height difference between the ground floor level of no.7 and the proposed extension,

is material. The rear extension would project, at first floor level, some 1.5m beyond the existing rear wall of the original house and 3.3m beyond the rear wall of No.7, which has not been extended. This part of the proposal would largely infill the space which currently exists along the boundary between the appeal site and No.7 between the kitchen and its outbuilding. The level difference would increase the apparent height of the proposed structure by around one-third of a storey height, increasing the sense of enclosure and further reducing the extent of visible sky available to these neighbouring users.

6. Daylight reports have not been provided and I am therefore reliant on my own observations. I have considered the Council's guidance in so far as it is material to the circumstances of this appeal and note that the side extension alone is considered compliant but nevertheless conclude in the particular circumstances of this site that the combination of northerly outlook, height difference and depth of the proposal on the boundary in proximity to the adjacent dwelling and its immediate outdoor amenity space would render the proposed extension oppressive and unacceptably overbearing.
7. My reasons direct that the proposal would have an unacceptable adverse impact on the amenity of the neighbouring users, and this would conflict with Policy DMP1 of the Brent Local Plan (2022) which seeks high standards of design and internal and external amenity. The proposal would conflict with the development plan as a whole consequently, taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR