



Appeal Decision

Site visit made on 15 June 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/T5150/W/22/3309871

81A Braemar Avenue, Brent, London NW10 0DR

- 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 Dritan Bajrami against the decision of London Borough of Brent.
 - The application Ref 22/2415, dated 6 July 2022, was refused by notice dated 8 September 2022.
 - The development proposed is a first-floor rear extension to first floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to the first floor flat at 81A Braemar Avenue, Brent, London NW10 0DR in accordance with the application, Ref 22/2415, dated 6 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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 plan: Existing and Proposed Plans, Elevations, Location Plan and Block Plan Drawing Number 2228/02 Rev.B.
 - 3) 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.

Preliminary Matters

2. I have taken the description of development from the appeal form as it more accurately describes the proposed development.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of neighbouring occupiers with regard to loss of light and outlook.

Reasons

4. The appeal site comprises a terraced property split into two flats in a suburban location. The property benefits from a single storey projection that is 2.5m deep and covers about half the width of the rear wall of the property. It has a flat roof forming an external terrace which serves the first floor flat. Although

at the time of my site visit, I observed that breezeblock walls enclosing part of the terrace had been constructed.

5. The Council's Supplementary Planning Document 2 sets out guidance in relation to rear extensions. The document sets out that proposals should comply with the 1:2 rule which states that extensions are permitted to project outwards half the distance taken from the centre line of the nearest habitable room window to the edge of the proposed extension, but to a maximum depth of 3m. The Council contend that the proposal would not comply with this guidance due to its relationship with Nos 79A, 83 and 83A Braemar Avenue and the ground floor flat at the host property.
6. The 1:2 rule is guidance, and in my view, the particular circumstances of the site and the merits of the proposed development should be assessed.
7. The proposed development would be limited to the extent of the ground floor projection and would be set in from the side boundaries. The window serving the ground floor flat in the host property, is full height and has a relatively open aspect. The rear of Nos 83 and 83A also has an open aspect. In my judgement, due to the overall height and limited projection, the proposed development would not be overbearing or result in a significant enclosing effect on Nos 83, 83A or the ground floor flat. This arrangement would not unduly affect the outlook of these properties and therefore it would not result in unacceptable living conditions for their occupiers.
8. The rear elevations of the appeal property and neighbouring properties Nos 79A, 83 and 83A have a generally south facing aspect. Whilst the proposal may result in some overshadowing of neighbouring properties, I am of the view that any loss of sunlight or daylight would not lead to unacceptable harm due to the limited scale of the proposal.
9. As such, the proposed development would not unacceptably affect the living conditions of the occupiers of Nos 79A, 81 and 83 and 83A. It would accord with Policy DMP1 of the Brent Local Plan (2022) which, amongst other things, requires developments to provide high levels of internal and external amenity and to complement the locality.

Conditions

10. I have considered the imposition of conditions in accordance with the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard time limit for implementation I have imposed a condition specifying the relevant drawings as this provides certainty. A condition in relation to external materials of the extension is necessary in order to ensure the satisfactory appearance of the development.

Conclusion

11. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR