



Appeal Decision

Site visit made on 4 July 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2023

Appeal Ref: APP/T5150/D/23/3316887

5 Egerton Gardens, London NW10 3LE

- 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 Mujibul Hoque against the decision of the Council of the London Borough of Brent.
- The application Ref 22/3989, dated 23 November 2022, was refused by notice dated 13 January 2023.
- The development proposed is roof extension including rear dormer with Juliet balcony and mini side dormer incorporating an obscure window.

Decision

1. The appeal is allowed and planning permission is granted for roof extension including rear dormer with Juliet balcony and mini side dormer incorporating an obscure window at 5 Egerton Gardens, London NW10 3LE in accordance with the terms of the application, Ref 22/3989, dated 23 November 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: Location Plan, 004 A, 005 A and 006 A.
 - 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. The development description on the application form includes reference to the development being retrospective. I have removed this wording as this is not an act of development. Moreover, the proposed plans show that the rear dormer would incorporate a Juliet balcony. On site, and as shown on the existing plans, a glass balustrade is in situ serving the rear dormer. Therefore, not all the development which is proposed has taken place. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.

Background and Main Issue

3. In June 2021 planning permission was granted for a roof extension including a rear dormer window with Juliet balcony, a side dormer window and a number of rooflights¹. There is no disagreement between the main parties that although a development was implemented on site, it does not accord with the plans

¹ Planning Application Reference 21/1336

approved under that permission. The development the subject of this appeal proposes an amended roof extension scheme. Although the proposed development includes other elements, the Council's sole reason for refusal relates only to the side dormer window.

4. Given this background, the main issue is the effect of the proposed side dormer window upon the character and appearance of the host property and the area.

Reasons

5. 5 Egerton Gardens is a house located within a short row of residential properties. Much of the roofscape of the host property includes hipped sections including atop of a front projection beneath which are bay windows. To one side, at the meeting point with an adjoining property, there is a roof parapet feature. Consequently, the roofscape of the host property is quite complex and has a stepped appearance. The external walls of the property are principally constructed of brick and painted render with red tiles to its roof whilst the front bay feature includes distinctive tiling.
6. Reflective of the host property, Egerton Gardens and the surrounding area contains many semi-detached houses and short terraced rows which also incorporate hipped roofs, often exhibit pronounced projection features, together with bay windows. During my visit I noted that dormer windows and roof windows are also quite common in the area. Owing to the prevalence of hipped elements, roof windows and feature projections it is appreciable that the roofs of many properties within the area incorporate alterations and additions and, like the host property, stepped elements.
7. The proposed side dormer window would be set down from the ridge of the main roof. As a result, the roof of the host property would progressively step down to the side dormer from its highest point. The pitched roof to the side dormer would be relatively shallow and would have a hipped design. When viewed from the street level, this would be effective at reducing the mass of the side dormer and how high it would appear.
8. I acknowledge that the proposed side dormer window would not be set up the roof slope from the eaves level, nor would the edges of its roof be set in from those of the main roof. However, below its eaves level, the side elevations of the side dormer would be set in from the roof edges whilst it would be set back behind the existing roof parapet.
9. Given that both the host property and other properties in the area incorporate stepped elements to their roofs and roof additions, that in the proposal, a side dormer window which would incorporate elements of step down and recess would be introduced, would be in keeping with existing design features which partly characterise the area.
10. Therefore, although the proposed side dormer would be larger than that which was previously granted planning permission, given the combination of factors I have set out above, it would nevertheless appear as a subservient addition to the roofscape of the host property and not appear too large, bulky or prominent. Furthermore, the proposed side dormer would incorporate tiles to its roof and cheeks to match the existing property, and this would be appropriate.

11. For the reasons given above, the effect of the proposed side dormer window upon the character and appearance of the host property and the area would be acceptable. I find that it would be suitably designed and would not have, as is put to me, a contrived appearance. The proposed development would comply with Policy DMP1 of the Brent Local Plan 2019-2041, adopted February 2022. In summary, and amongst other matters, this policy requires that development proposals are of a design, scale and detailing that complements the locality.
12. In coming to the above views, I acknowledge that the Residential Extensions and Alterations Supplementary Planning Document 2, January 2018 (SPD) includes guidance on roof extensions and alterations, including that which is quite prescriptive and which the proposed side dormer would not fully accord. I have had regard to the content of the SPD but, for the reasons given, I nevertheless find that the side dormer would be acceptable. The side dormer would be complementary to the host property and the street's character and in that regard would meet the design guidance of the SPD.

Other Matters

13. Although the Council's Officer Report raises concern that the window serving the side dormer could harm the living conditions of the neighbouring occupiers within No 3, the reason for refusal makes no reference to this. The description of the development applied for and, documentation submitted by the appellant, states that the window would be obscurely glazed. Whilst this may be the intention, the proposed plans do not definitively show this would be the case. Directly opposite the proposed side dormer there is the tiled roof slope of No 3. This neighbouring property does include some first floor side elevation windows which flank the host property, however, they are set at a lower level than the side dormer window would be and, any views between them would be angled. The angles between the side dormer window and the front drive and rear garden of No 3 would be more acute still. Given all of these factors, even if the proposed side dormer window would not be obscurely glazed or not include a restriction on its opening it has not been shown to me that any unacceptable effects upon the living conditions of neighbouring occupiers would result.
14. The reason for refusal specifically referenced the side dormer window. The Council have raised no objections to the remaining elements of the proposed roof extension including the "Juliet balcony", and I have no reason to disagree.

Conditions

15. I have had regard to the conditions suggested by the Council. Given not all the development proposed has been implemented as per the submitted plans and given I have based my decision upon the plans, I have imposed the standard condition in respect of time limitation and a plans condition in the interests of certainty. To protect the character and appearance of the area, a condition is needed to secure appropriate use of materials.

Conclusion

16. For the above reasons, the appeal is allowed subject to the conditions above.

H Jones

INSPECTOR