



Appeal Decision

Site visit made on 26 June 2023 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/T5150/D/22/3313427

76 Lonsdale Avenue, Brent, Wembley HA9 7EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Amit Basnet against the decision of Brent Council.
 - The application Ref 22/3595, dated 19 October 2022, was refused by notice dated 30 November 2022.
 - The development is described as: Prior approval for a single storey rear extension to dwellinghouse, in metres: Extending beyond the rear wall of the original house - 6m Maximum height- 3.2m Eaves height - 3m.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matters

3. The description of development as outlined on the application form is different from that adopted by the Council on their decision notice. The appeal form contains the same description of development as updated by the Council. In the description of development above I have therefore used the updated description as it fully describes the proposal.
 4. The appeal relates to the refusal of prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO). The provisions of the GDPO require the local planning authority, once an objection from the occupier of an adjoining property is received, to assess the impact on the amenity of any of the adjoining premises, taking into account representations received. I have considered this appeal in the same manner.
 5. When I carried out my site visit, I noticed a single storey rear extension which appears to have been recently completed. Whilst seemingly different in its projection to that which is subject of the prior approval scheme before me, it is in the same place, on the same elevation. Prior approval cannot be sought for development which has been carried out either whole or in part. That said, I am unaware if this has the benefit of either express planning permission or
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prior approval and, in any event, since it appears different to what is the subject of the prior approval scheme before me, I have considered the appeal proposal on its own merits, with specific regard to plans accompanying it.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties Nos 75 & 77 Lonsdale Avenue, with particular regard to outlook, daylight and sunlight.

Reasons for the Recommendation

7. The appeal site relates to a two-storey mid-terrace dwelling, located within a predominantly residential area. The proposal would add a single storey extension to the rear, which would extend across the full width of the house, thus would be next to the side boundaries shared with neighbouring properties Nos 75 & 77 Lonsdale Avenue and would reach a depth of six metres.
8. The proposed extension would sit immediately to the south of the neighbouring garden of 75 Lonsdale Avenue. No 75 has a large opening that serves a habitable room next to the side boundary shared with the appeal property. Due to its siting, rear projection, and height, the proposal would affect the amount of sunlight reaching the outdoor area and the rear elevation of this property. At a height of 3.2m, the new wall would cast shadow over the property for at least part of the day. This would particularly be the case during the winter months, when the sun rises to a lower point in the sky. The loss of sunlight would significantly reduce the occupants' enjoyment of their property, particularly their outdoor area. Due to the height and proximity of the new wall, there would also be some loss of daylight to No 75.
9. The property located to the north of No 75 has a single storey rear extension with a rearward projection similar to that of the proposal. The outlook from the large rear opening of No 75 and their outdoor area located immediately next to the rear wall of the house would be severely affected by the proposed extension, as due to its height and bulk the proposal would give rise to a harmful sense of enclosure for the occupants of No 75.
10. No 77 Lonsdale Avenue is located to the south of the appeal site, thus giving the siting of the extension in relation to this property the proposal would not affect the level of sunlight and daylight to a harmful degree. However, the visual impact of the tall, blank elevation, extending to a depth of around 6m, would be oppressive to the occupiers of No 77, particularly when using their outdoor area. Accordingly, the proposal would have a detrimental impact on the outlook of the occupiers of No 77.
11. I have considered the drawing included within the appeal statement in which the 45-degree line is shown in relation to neighbouring properties Nos 75 & 77. I am unconvinced about the appellant's findings regarding the impact on sunlight and daylight for No 75, as the rear window shown on this drawing for No 75 does not match the position of the opening of No 75, as I have observed during my site visit. Nevertheless, even if the impact on the rear large opening of No 75 would be limited, the proposal would still be harmful in terms of loss of daylight and sunlight for those using the outdoor area of No 75. Likewise, the 45-degree line assessment does not negate the detrimental impact that the

proposal would have on the outlook of the occupiers of the adjoining properties Nos 75 & 77.

12. My attention has been drawn to several examples of similar developments for which prior approval was not required. Notwithstanding that there may be similarities in terms of scale and appearance between the examples provided and the proposal before me, the circumstances are not directly comparable with the appeal development requiring prior approval due to the objections received, and thus a full assessment has been carried out.
13. Accordingly, given my findings above, the proposal would unacceptably harm the living conditions of the occupiers of Nos 75 & 77 Lonsdale Avenue. It would thus fail to comply with the requirements of the Residential Extensions & Alterations SPD 2, which, amongst other things, seek to protect neighbouring residential amenity.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed and therefore prior approval refused.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR