

Appeal Decision

Site visit made on 28 July 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2023

Appeal Ref: APP/T5150/D/23/3321738

63 Fryent Way, London, NW9 9NU

- 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 Manu Ram against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/0188, dated 19 January 2023, was refused by notice dated 15 March 2023.
 - The development proposed is demolition of existing canopy and erection of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing canopy and erection of a single storey rear extension at 63 Fryent Way, London, NW9 9NU in accordance with the terms of the application, Ref 23/0188, dated 19 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 22021/63 FRYENTWAY-001, 002, 003, 004, 005, 102, 103, 104, 105.
 - 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.

Main Issue

2. There is one main issue, which is the effect of the proposed extension on the living conditions of occupiers of 61 and 65 Fryent Way with respect to outlook and visual impact.

Reasons

3. The appeal dwelling is a large traditional semi-detached house set on a generous plot. There is currently no boundary division between the appeal
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dwelling and its attached pair, No 65. There is a verandah, which is understood to be lawful, some 3.7m deep which extends across the rear elevation of both dwellings, including a single storey side extension at the appeal dwelling. The verandah is undivided between the attached dwellings. It has a concrete floor, half height walls and uprights supporting the roof. It extends almost to the boundary with No 61 which is marked by a fence some 1.8m high.

4. The semi-detached houses each have a double height bay on the rear elevation. These bays are close to the boundary between the properties. If a divide was placed on the boundary this would be clearly visible from the rooms served by the bays. To that extent the proposed extension would limit outlook from No 65 towards the shared boundary. However, the appellant points out that a 2m boundary fence could be erected under permitted development rights which would similarly limit outlook. The Council has not suggested that such a fence would be unlawful.
5. The proposed extension would have a maximum height of about 2.9m and a depth of some 3.7m which is above the 3m generally supported by the Council's Residential Extensions & Alterations SPD2 (SPD), 2018. However, in view of the similar depth of the existing covered verandah which limits the sense of openness to the rear, the modest additional depth of the proposed extension above that set out in the SPD, coupled with its limited height, would have a negligible effect on outlook and the openness to the rear from No 65. In particular, views over the large garden would continue to be unimpeded. Therefore, despite the close proximity of the proposed extension to the ground floor bay window at No 65, the overall effect and therefore the conflict with the guidance would be acceptable.
6. Turning to the effect on No 61, the Council is concerned that apparent discrepancies between the plans and the existing verandah make it difficult to assess the effect of the proposed extension. However, in view of the fence on the boundary between the two properties and a gap accommodating a driveway between this and the dwelling, it is clear that the proposed extension which has a limited depth would have no material effect on outlook or the amenity of occupiers of No 61.
7. It is concluded on the main issue that the proposed single storey extension would have no materially harmful effect on the living conditions of occupiers of Nos 61 or 65 Fryent Way with respect to outlook or visual impact. In consequence the proposed extension would comply with Policy DMP1 of the Brent Local Plan 2019-2041, 2022, and the National Planning Policy Framework. Taken together these expect new development to create places with a high standard of amenity for existing and future users through the provision of high levels of internal and external amenity.
8. Turning to conditions, the Council suggests two conditions in addition to the statutory commencement condition. I agree that, to protect the character and appearance of the host dwelling and surrounding area, the proposed extension should be built using materials which match the original dwelling and, for the avoidance of doubt, should be built in accordance with the approved plans.

9. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR