



Appeal Decision

Site visit made on 15 August 2023

by M. P. Howell BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8TH SEPTEMBER 2023

Appeal Ref: APP/T5150/C/22/3300878

71 Girton Avenue, London NW9 9UE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mrs Hajra Dar against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice, numbered E/20/0571, was issued on 4 May 2022.
- The breach of planning control as alleged in the notice is that without planning permission, the erection of a single storey rear extension to the premises ("the unauthorised development").
- The requirements of the notice are:
 - STEP 1- Demolish the unauthorised single storey rear extension to the rear of the premises.
 - STEP 2- Remove all debris and items arising from this demolition and remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirements is: three (3) months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Matters Concerning the Enforcement Notice

1. In Schedule 4, Step 1, delete the superfluous words 'unauthorised' and 'to the rear of the premises.' In Schedule 4, Step 2, delete the words 'this demolition and remove all materials associated with the unauthorised development from the premises,' and substitute the words 'compliance with step 1 of this notice.'
2. The changes to the requirements are simply for conciseness and would not cause any injustice to appellant or the Council.

Main Issues

3. The main issues in this appeal are the effect of the development on the character and appearance of the area.

Reasons

4. The existing dwelling at 71 Girton Avenue is a two storey, semi-detached dwelling finished in brick with a hipped roof. The dwellings on the Avenue are primarily semi-detached with a hipped roof, a bay window projection, finished in red brick and white UPVC windows. A uniform building line has been maintained behind open driveways and gardens. Several dwellings have been extended by enlarging the roof, but the scale and appearance of the dwellings as well as the shared design features and spaces in-between have largely been maintained. The

consistent building line together with coherent design features and materials provides a pleasant character and uniformity.

5. The development subject of the appeal is to the rear of the dwelling, it is a single storey flat roof extension that measures 3.93 metres (m) deep. The extension's north elevation is finished in white UPVC horizontal cladding with two windows and a double door. The east elevation comprises four large windows but also includes some horizontal cladding.
6. The Brent Residential Extensions and Alterations Supplementary Planning Document 2, 2018 (SPD) indicates that rear extensions should be designed to respect the character and size of the host building. The building materials should, where possible, match the main house. Extensions up to 6m may be acceptable provided that for every additional metre beyond 3m in depth, the extension should be set in from the boundary by an additional metre.
7. With the above in mind, the extension adjoins the party boundary on one side but is set in from the eastern side boundary by approximately a metre. The extension has a proportionate depth, width and single storey height that makes it subservient to the scale and form of the host property. The white cladding finishes do not match the predominant red brick finish, but they are consistent with the white UPVC window finishes on the host property. Further to this, the extension is a subservient addition, which is not prominent from public vantage points to the front or rear. As such, the extension does not adversely impact on the character and appearance of the dwelling or the wider street scene.
8. Accordingly, the effect of the development on the character and appearance of the host property and the area is acceptable. The proposal complies with the overall aims and objectives of policies DMP1 and BD1 of the Brent Local Plan 2022 (Local Plan), policy D3 of the London Plan 2021 and the SPD guidance, which seek to maintain the quality of the built environment by ensuring development is of high design and has no adverse impact on the character, appearance, or quality of the wider area.

Conditions

9. I note the condition suggested by the appellant in respect of painting the cladding a colour to match the brick of the existing property. As I have concluded the extension is acceptable with the current materials and colour, it is not necessary to condition the permission in this manner.

Conclusion

10. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the single storey rear extension as described in the notice.

Formal Decision

11. It is directed that the notice is varied by:

In Schedule 4, Step 1, delete the words 'unauthorised' and 'to the rear of the premises.'

In Schedule 4, Step 2, delete the words 'this demolition and remove all materials associated with the unauthorised development from the premises,' and substitute the words 'compliance with step 1 of this notice.'

12. Subject to the variations, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the single storey rear extension at 71 Girton Avenue, London NW9 9UE as shown on the plan attached to the notice.

M. P. Howell

INSPECTOR