



Appeal Decision

Site visit made on 17 October 2023

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2023

Appeal Ref: APP/T5150/D/23/3323496

137 Chatsworth Road, Brent, London NW2 5QT

- 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 Wenger Investments Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/0222, dated 20 January 2023, was refused by notice dated 28 March 2023.
 - The development proposed is described on the application form as alterations to roof & fascia to retain part single storey rear part two storey rear and two storey side extension and retention of rear dormer window and one roof light to front, two roof lights to side elevation and roof light to single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 137 Chatsworth Road has been recently extended, but in a manner that does not accord with previously approved plans. An application for permission to retain the as built development was refused and an appeal against that and an enforcement notice were dismissed, insofar as the enforcement notice targeted unauthorised alterations to the house. The current appeal relates to a revised scheme that seeks to address various harms identified by the previous Inspector.
3. The Council's first reason for refusal, and much of its commentary on the current proposal, refer to inconsistencies between the originally approved plans for the extension, different versions of 'as built' plans and the current proposal. The appellant has explained how this results from errors in an initial survey of the as built extension.
4. I see no reason why the as built drawings submitted with the current proposal should be inaccurate, having been based on a full measured survey. In any case, it is the proposed drawings, not the as built scheme that is before me now and there is no clear reason why the now proposed scheme could not be implemented as drawn. I have determined the appeal accordingly, on the basis of that current proposal.

Main Issues

5. The main issues are the effect on the character and appearance of the host property and wider area, and the effect on the living conditions of neighbouring residents with particular regard to outlook and light.

Character and appearance

6. Chatsworth Road has a suburban character with dwellings arranged a uniform distance from the straight highway. The constituent buildings around the appeal site appear to have been mainly constructed at a similar time to one another and share some common architectural themes such that the buildings have visually comfortable relationships with their neighbours. There are marked differences in the detailed design of the various dwellings and that is part of the street's character. However, the semi-detached dwellings, including Nos 137 and 139, generally read as pairs, despite numerous piecemeal alterations to them that have removed complete symmetry.
7. Compared to the current structure, the pitched roof of the side extension would be reduced in height. With a traditional ridge detail, this would be lower than the roof of the main part of the dwelling and sit comfortably alongside it. A large flat roofed projection to the front corner would remain, with eaves higher than that of the main projecting gable. This would be a somewhat clumsy and awkward design, but the overall detail would broadly match that of a very similar extension at No 135, which it would be directly alongside. Given the strong similarity to No 135, this component would sit comfortably in the street with its neighbour.
8. The unauthorised works to the dwelling resulted in a higher ridge and eaves to the main part of No 137. The current proposal includes a reduction in the overall height and its replacement with a traditional ridge detail such that it would be returned to the same height as the adjoining No 139.
9. The bottom of the fascia on the eaves of the main roof is currently at the same height as No 139, but the fascia itself is significantly deeper. I agree with the previous Inspector that the shiny material that has been used, and the depth, draw attention to the fact that the eaves have been raised, emphasising the fact that the whole plane of the roof slope is at a higher level. This has created an awkward appearance and visually jarring junction with No 139, notwithstanding their separation by a parapet along the main part of the roof slope.
10. The appeal submissions state that the fascia on the eaves of the main roof is to be removed and replaced with a fascia of the same size to that on No 139, thereby addressing the previous Inspector's concern. However, none of the iterations of the drawings relating to the current proposal show this, with the as built and proposed versions being the same in this regard. Ultimately, I must determine the appeal on the basis of the drawings and there is no change shown to this current, harmful, detailing that remains part of the proposal before me.
11. On the basis of the inconsistency in the main roof fascia and eaves height with No 139, I find that the proposal would result in a jarring addition to a street that otherwise has a range of dwellings that generally sit comfortably alongside one another. The harm would result in a conflict with those aims of Policies DMP1 of the Brent Local Plan 2022 (BLP) and D4 of the London Plan 2021 (LP), as well as the Brent Design Guide and Residential Extensions Design Guide supplementary planning documents, that collectively seek to ensure that development responds to its context and complements its locality.

Living conditions

12. The Council has not specified which neighbouring properties would be adversely affected, but other than Nos 135 and 139, other dwellings are too distant to suffer the adverse effects to outlook and light that have been alleged.
13. The side extension is very close to the first floor side wall of No 135. The main part of the dwelling adjoins No 139 on the other side. However, the relationships with these dwellings would be little different to the situation that the Council originally found acceptable as the proximity is such that the very small increase in height would have no perceptible difference to the outlook from or light reaching any windows at these neighbouring dwellings. Having once found that acceptable, there is no substantive evidence as to why the current proposal would result in harm to living conditions and I saw nothing at my site visit to suggest that it would.
14. I, therefore, find no conflict with those aims of BLP Policy DMP1 or the Residential Extensions Design Guide supplementary planning document that seek to ensure that development provides high standards of internal and external amenity.

Conclusion

15. A lack of harm to living conditions is a neutral factor in the overall planning balance. Therefore, the harm to the character and appearance of the area results in a conflict with the development plan read as a whole. There are no other material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.
16. Accordingly, the appeal is dismissed.

M Bale

INSPECTOR