



Appeal Decision

Site visit made on 26 October 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/T5150/D/23/3327369

17 Shelley Gardens, Wembley HA0 3QF

- 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 Khaliq Khan against the decision of the Council of the London Borough of Brent.
 - The application Ref: 23/1452 dated 24 April 2023, was refused by notice dated 10 July 2023.
 - The development proposed is erection of a part two storey and part single storey side extension; a single storey rear extension; roof extension including rear dormer window and rooflights; and a front porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council determined the application as a retrospective application, that is, to retain the works as already undertaken in accordance with the submitted application and at the time of my site visit, the works appeared substantially complete. However, the application forms indicated that the works had been started but not yet completed. The Appellant at the appeal stage indicated that the 'proposed development' refers to that which is retrospectively proposed for retention by this appeal but later in the appeal statement, indicates that construction has commenced on site, however it is not complete, pending the grant of retrospective planning permission. There are also two sets of plans; one refers to the scheme 'as built' and the other 'as proposed' although there appear to be only minor differences, primarily relating to the porch and the garage at the rear.
3. The position is not entirely clear, and I can understand why the Council determined the application as a retrospective application. However, given the information on the application forms as well as the further information in the appeal statement, I am required to consider the appeal as a proposal for the works as shown on the plans, as determined by the Council.
4. Plan SG-009 shows the elevations as proposed including extensions at the roof shown in blue and marked *Potential Roof Extension Under Permitted Development Rights*. My understanding is that these works do not comprise part of the application but demonstrate what the Appellant contends could be built under permitted development rights in relation to the original roof form.

5. Planning permission was granted by the Council under its reference 17/0250 for a part two storey and part single storey side extension, a single storey rear extension, rear dormer window front rooflight and front porch in April 2017. There are some similarities between the scheme the subject of this appeal with that approved scheme, and both the Appellant and the Council have focussed on the differences between the two schemes. Whilst the previous scheme as approved is a material consideration, my decision is necessarily based on the scheme before me. There are also references to enforcement action in respect of the scheme not being built in accordance with the previous permission (17/0250) but that is not before me.
6. The Council has confirmed that it raises no concerns in respect of a number of the elements, including the single storey rear extension, the roof dormer and roof lights and front porch. Although the width of the two-storey side extension would exceed the guidance in the Council's Supplementary Planning Document: Residential Extensions and Alterations 2018 (SPD), the Council notes that a side extension of similar width was previously permitted. From all the information before me and my site visit, I have no reason to take a different view.

Main Issue

7. The main issue in this appeal is the effect of the works, with particular regard to the two-storey side extension and the related roof works, on the character and appearance of the existing house and on the street scene.

Reasons

8. The appeal property is an end of terrace property on the north side of Shelley Gardens and on the corner with West Court which is a no through road. It is set within a predominantly residential area, with a mix of short terraces and semi-detached properties. A number of the individual properties have been extended and altered.
9. The scheme would add a two-storey side / rear extension; single storey rear extension; roof extension with rear dormer and 4 x roof lights as well as front porch extension. The roof as proposed over the two-storey side extension would appear as a very dominant feature in relation to the rest of the property. It would be wider than the existing roof over the main part of the house and this would partly be as a result of the steeper roof slope than the original roof slope. I recognise that even if the roof slope were to follow the original slope the roof ridge would be wider than the existing roof but the over dominance of the roof over the new extension would be further exacerbated with the proposed steeper roof slope.
10. The scale and massing of the extended roof and its over dominance in relation to the roof over the main part of the house would be further aggravated because of the minimal set down from the main roof. It would therefore result in a very top-heavy roof extension to the existing house. Furthermore, as a result of the minimal step down from the main roof to the extended roof, there would be some visually awkward and obtrusive junctions between the main roof and the extended roof. When these concerns are taken all together, they would result in a poorly designed and overly heavy roof form that would not respect the character and appearance of the existing house.

11. Given its corner location, the property is prominent in street scene views, and particularly when approaching from the east. I agree with the Appellant that the views of the property and in particular of the two-storey side extension would not be so visible from all viewpoints, including approaching from the west along Shelley Gardens. However, I do not agree with the contention that the diagonal view is not a typical view; it is an open and prominent view when approaching from the east. In such views the extended property, particularly the roof works, would be very visible and would appear as visually incongruous in the street scene.
12. I conclude that the works and particularly the roof works relating to the two-storey side extension would not respect the character and appearance of the existing property and the street scene. They would conflict with Policies DMP1 and BD1 of Brent's Local Plan 2019-2041 and the guidance within Brent's SPD, as well as the National Planning Policy Framework, and in particular Section 12, all of which amongst other matters seek a high quality of design which respects the local context.
13. The Appellant has contended that the proposals would represent a marginal and acceptable deviation from the SPD guidance. I have taken the SPD guidance into account as a material consideration and have noted that there have been instances where deviations from the guidance have been found to be acceptable. However, in the particular circumstances of this case I have found that the scheme would have an unacceptable impact on the character and appearance of the existing property and on the street scene; the guidance in the SPD seeks to ensure that extensions and alterations secure a good standard of design and respect the existing building and context. It is not therefore the deviation from the SPD guidance per se that automatically leads to the refusal of permission but that the scheme would fail to respect the character and appearance of the existing dwelling and local area; a position the SPD guidance seeks to avoid through its specific guidance.
14. My attention has been drawn to a number of extensions in the locality and I agree that a number of the properties have been extended and altered in a variety of ways, some I understand using permitted development rights. However, taken individually and collectively these individual examples have not in my view altered the character and appearance of the local area, which predominantly remains of either semi-detached pairs or short terraces where side extensions have set downs from the main roof and roof slopes that match the original roof slopes of the dwelling house.
15. The Appellant has also drawn my attention to a number of extensions which have been permitted on appeal where the schemes did not fully comply with the Council's SPD guidance. The references quoted include APP/T5150/D/22/3306110 and APP/T5150/W/21/3274481 and the decisions have been provided to me. Each proposal must be assessed on its individual merits but in so far as the information has been made available to me, I have taken them into account. In each of those cases, it would appear that the Inspector determining that appeal found the proposals to be acceptable in terms of their effect on the character and appearance of the property and on the street scene. That is not the conclusion I have reached in the particular circumstances of the case before me, and they do not therefore lead me to a different view.

16. The plan showing the roof works which the Appellant considers would be feasible to undertake under permitted development rights do not include for the two-storey side/ rear extension and so would result in a very different scheme to the one before me. This does not persuade me to a different conclusion.

Conclusion

17. For the reasons given above and having regard to all other matters raised, including in representations from neighbours, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR