



Appeal Decision

Site visit made on 18 December 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29.12.2023

Appeal Ref: APP/T5150/D/23/3332686

6 Newlands Close, Wembley, Brent, HA0 2EZ

- 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 Andrew Perez against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2631, dated 4 August 2023, was refused by notice dated 12 October 2023.
 - The development proposed is the erection of a rear outbuilding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made retrospectively and at the time of my visit the outbuilding was complete.
3. The Council's decision notice refers to the impact of the development upon the occupiers at 210 Chaplin Close. The correct address is 210 Chaplin Road.

Main Issue

4. The main issue is the effect of the outbuilding upon the living conditions at 210 Chaplin Road in terms of visual impact and overshadowing.

Reasons

5. The appeal property is a detached dwelling located within a residential cul-de-sac and which backs on to the rear gardens of properties along Chaplin Road. The appeal relates to a detached, single-storey outbuilding with a pitched roof over and which has been erected at the foot of the garden to No 6. The rear garden boundary of the appeal site adjoins and spans the full width of the rear garden boundary to 210 Chaplin Road and part of the rear garden boundary to No 208. The outbuilding is positioned off-centre and principally sits adjacent to the common boundary with No 210, spanning the majority of its width.
6. The plans show the outbuilding to be set 500mm from the side boundary with 4 Newlands Close, 3100mm from the side boundary with No 8, and 500mm from the rear boundary to 210 Chaplin Road. I saw during my visit that the eaves and gutter overhang to the rear elevation of the building reached up to the fence along the rear boundary. The ridge height for the building is given as 3300mm, a figure that is not disputed by the Council.

7. The Council's *Residential Extensions & Alterations Supplementary Planning Document 2* (SPD), dated January 2018, deals with outbuildings at section 2.10. Amongst other things it advises that outbuildings should normally be restricted to a single-storey and that, where any part of it would lie within 2m of a neighbour's garden, the maximum height permitted would be 2.5m, or 3m if the proposed outbuilding would be over 2m from the nearest boundary. The SPD further advises that in certain circumstances, when a dual-pitched roof is proposed and the outbuilding would be at least 2m from all neighbouring boundaries, then a ridge height of 4m may be considered acceptable. The SPD clearly states that the reason for these guidelines is to ensure that any outbuilding does not overbear a neighbour's garden.
8. The outbuilding is well within a 2m distance when measured to the boundary with 4 Newlands Close to one side and the boundary with 210 Chaplin Road to the rear. With a ridge height of 3.3m, the outbuilding exceeds the Council's normal guidelines by 0.8m and appears to me to precisely represent a form of development the SPD advises against.
9. To the side, the outbuilding sits adjacent to a single-storey, flat roof outbuilding at the foot of the garden to No 4. As such and given that it would be seen in the outlook from this neighbouring property at an angle and not head-on, I share the Council's view that the neighbour's living conditions to this side are largely unaffected.
10. To the rear, the outbuilding sits very close to the rear boundary fence shared with 210 Chaplin Road and spans virtually the full width of this neighbour's plot. Being immediately east of the garden to No 210, I am not persuaded that it has any significant impact in terms of overshadowing the neighbour's garden by any meaningful degree. Nevertheless, the outbuilding has imposed itself at very close quarters upon the outlook from this neighbouring amenity space. I share the Council's, and neighbour's view, that due to its height, its presence at the foot of this garden is seen as visually intrusive and overbearing. I find this to be to the detriment of the neighbour's living conditions.
11. The appellant has argued that the maximum ridge height of the building is over 2m from the boundary with No 210. Regardless, the SPD is clear that where any part of an outbuilding lies within 2m of a boundary, its maximum height should be no more than 2.5m, irrespective of its roof form. In this instance the distance from the boundary with No 210 is considerably less than the 2m normally required. Were a building to be positioned 2m from the boundary with No 210, it follows that its maximum ridge height would be further still from the same boundary, minimising its visual impact when viewed from neighbouring land. I find nothing in the circumstances of this case to suggest that the Council's normal guidelines should be set aside.
12. The examples of the outbuildings at Nos 4 and 10 Newlands Close that have been pointed out to me by the appellant do not resemble the dual pitched form of the development at the appeal property and are therefore not directly comparable.

Conclusion

13. For the reasons given, I find the development to be harmful to the living conditions at 210 Chaplin Road. In addition to conflict with the SPD's guidelines, there is conflict with Policy DMP1 of the Brent Local Plan 2019-2041

(adopted February 2022), as far as it requires, amongst other things, development to achieve high levels of amenity. The harm that I have identified and conflict with the development plan means that the outbuilding does not represent a sustainable form of development. Therefore, the National Planning Policy Framework's presumption in favour of sustainable development does not apply. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR