



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/23/3330111

70 Bush Grove, Brent, London, NW9 8QX

- 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 Abdullatif Al-Fardan against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2430, dated 18 July 2023, was refused by notice dated 12 September 2023.
 - The development proposed is the erection of a first-floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the character and appearance of 70 Bush Grove and the wider area, and upon the living conditions at 68 Bush Grove with particular regard to visual impact.

Reasons

Character and Appearance

3. The appeal property is a two-storey, semi-detached dwelling set within a residential locality comprising similar style and aged properties. No 70 has previously been altered extensively including with a single-storey rear extension and a hip-to-gable roof extension with a 'box-like' dormer to the rear across the full width of the property. The proposal is to add a first-floor extension to the rear over part of the existing single-storey extension to a depth of 2m and which would be contiguous with the dwelling's side elevation and set away from the shared boundary with the attached property at No 72. The proposed first-floor extension would have an eaves height matching the existing dwelling and a flat roof.
4. The Council's *Residential Extensions & Alterations Supplementary Planning Document 2 January 2018* (SPD) advises that for two-storey rear extensions the design, shape and materials of the roof must match the original roof. It goes on to say that it is often not possible to erect a two-storey rear extension where there is an existing rear dormer window as this can result in an unacceptable design.

5. As an addition at first-floor level over an existing single-storey extension, the proposal would be akin to a two-storey extension. Due to its flat roof, the design, shape and materials of the proposed extension would fail to match the tiled, hipped roof form of the original dwelling, which remains as a prominent feature of the semi-detached pair when the building is viewed as a whole, and which is a dominant characteristic of the surrounding development pattern. As such, the proposal would represent a type of development the SPD expressly advises against.
6. The appellant has argued that the design of the proposed extension would match the existing rear ground floor extension and the flat roofed dormer extension. Nevertheless, and whilst I accept that the original roof form of the dwelling has been largely lost to the rear, it would add to an amalgam of additions and at an elevated position, contributing further to an unacceptable erosion of the dwelling's original character. Its 'block' like form would be openly seen from the backs of neighbouring properties and would appear significantly at odds with its attached neighbour and the appearance of its surrounding contemporaries. My impression overall is that it would be seen as an unsympathetic addition that would fail to complement the original character of No 70 or the wider area. By so doing, it would conflict with Policy DMP1 of the Brent Local Plan 2019-2041 (LP), adopted February 2022, as far as it, amongst other things, requires the materials, detailing and design of development to complement the locality.

Living Conditions

7. The SPD advises that the depth of any two-storey rear extension is restricted to half the distance between the side wall and the middle of any neighbours' nearest habitable room window up to a maximum depth of 3m. The reason given for this 1:2 rule is to ensure that the loss of amenity and light to the neighbouring properties is kept within reasonable limits.
8. The Council estimate that the first-floor rear extension would be positioned approximately 5.4m from the middle portion of the nearest first-floor window to the rear of No 68. In these circumstances the 1:2 rule would indicate that the first-floor extension should not exceed a depth of 2.7m. At 2m deep, the proposed extension would satisfy the guidelines. Nevertheless, because the rear building line of the appeal property is slightly recessed behind the rear of No 68, the Council is of the opinion that a technical breach of the guidelines would occur. However, I note that the nearest first-floor window to No 68 serves a non-habitable bathroom. Although the nearest ground floor window is to a kitchen, any possible sight of the proposed extension would be at a fairly acute angle and, more significantly, already constrained by an existing single-storey outbuilding to the rear of the appeal property. Given these circumstances, together also with the separation distance between the side wall of the proposed extension and the middle point of this ground floor window, which would be in excess of 5m according to an undisputed figure provided by the appellant, I am satisfied that there would be no harm to the living conditions at 68 Bush Grove through any meaningful loss of outlook or overbearing effect. As such, there would be no conflict with the aims and objectives of the SPD in this regard, or with LP Policy DMP1 as far as it relates to amenity.

Other Matters

9. The appellant has stated that a similar first-floor extension was approved by the Council in November 2017 (Ref 17/2840). However, I have been provided with no details of the development that was permitted at that time to demonstrate that it was in any way comparable to the scheme that is before me. In any event, that permission, which has lapsed, pre-dated the SPD and adoption of the LP. I have considered the appeal based on the merits of the case and having regard to current guidance and up-to-date development plan policy.

Conclusion

10. Notwithstanding my findings with regard to the effect of the proposal upon the living conditions at 68 Bush Grove, for the reasons given, I find that the proposal would be harmful to the character and appearance of 70 Bush Grove and the wider area. Because of this harm there would also be conflict with the National Planning Policy Framework's objectives for achieving well-designed and beautiful places. Accordingly, notwithstanding the absence of any objections from interested third parties, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR