



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/23/3332565

55 Carlton Avenue West, Wembley, Brent, HA0 3RD

- 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 P Kondiuch against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2110, dated 16 June 2023, was refused by notice dated 14 August 2023.
 - The development proposed is the erection of a first-floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first-floor rear extension at 55 Carlton Avenue West, Wembley, Brent, HA0 3RD in accordance with the terms of the application, Ref 23/2110, dated 16 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos LBA 3063H - 01/LB, LBA 3063H - 02/LB, LBA 3063H - 03/LB, LBA 3063H - 04/LB and LBA 3063H - 05/LB.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effects of the proposal upon the character and appearance of 55 Carlton Avenue West and the wider area, and upon the living conditions at 57 Carlton Avenue West with particular regard to light and visual impact.

Reasons

Character and Appearance

3. The appeal property is a two-storey, semi-detached dwelling set within a residential locality comprising broadly similar style and aged properties. No 55 has previously been altered including with a 6m deep 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 3m and which would be contiguous with the dwelling's side elevation and set away from the shared boundary with the attached property at No 57.

4. The proposed first-floor extension would have an eaves height matching the existing dwelling and a hipped roof over. This would partly adjoin the front face of the existing dormer, which is set up from the eaves by a small margin. The Council's *Residential Extensions & Alterations Supplementary Planning Document 2* (SPD) advises 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. The Council is of the view that the physical overlap between the extension's roof and the dormer would be 'large'. I disagree. The roof over the extension would be shallow pitched and the ridge would connect with the dormer below the cill of an existing window opening. Consequently, the significant majority part and form of the dormer would be unchanged including the fenestration pattern, which would remain clearly legible and appropriately removed from the extension's roof and ridgeline. The extension would otherwise appear proportionate to the scale of the existing building and finished with materials to match, including roof tiles, which could readily be controlled by condition. I find nothing about the proposal that would contribute to any excessive bulk at roof level beyond the existing arrangement. In other respects, I share the Council's view that the design and shape of the roof would reasonably match the hipped form of the original roof. As such, I am satisfied that the proposed first-floor extension would not appear visually harmful when viewed more widely within its rear garden setting. I therefore find no conflict with the aims and objectives of the SPD in this instance.

Living Conditions

6. 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.
7. The Council estimates that the first-floor rear extension would be positioned approximately 4.28m from the middle portion of the first-floor window to the rear of No 57, which would suggest that the first-floor extension should not exceed a depth of 2.14m. At 3m the proposed extension would breach the guidelines. However, the nearest first-floor window at No 57 is wide and enjoys an open aspect over an expansive rear garden. There is no substantive evidence before me to demonstrate that there would be any significant loss of daylight within the adjacent bedroom. The appeal property and its neighbour face directly south with No 55 to the east. Any possible impact upon direct sunlight to the rear of No 57 would be restricted to early morning only and would not be significant.
8. The appellant has demonstrated that the extension would not breach a 45-degree line projected across the appeal site from the nearest edge of the bedroom window at No 57. Any sight of the proposed extension in the first-floor outlook from No 57 would be at an oblique angle and from a reasonable distance, from where it would appear as a well-considered and proportionate

addition rather than overbearing and intrusive. Although there would be a numerical conflict with the guidance, I am satisfied that there would be no harm to the living conditions at 57 Carlton Avenue West and therefore no conflict with the aims and objectives of the SPD in this regard.

Other Matters

9. I have noted an objection from an occupier of a property at Paxford Road to the rear of the appeal site. Although the proposed extension would include a new, rear facing window at first-floor, an outlook from a bedroom at this level would not be atypical for this suburban location. Moreover, due to the depth of the rear gardens to properties along Carlton Avenue West, I am satisfied that there would be no overlooking the gardens or living spaces of any properties to the rear that would affect existing levels of privacy. I note the Council raised no concern in this regard.
10. Based on my findings in relation to the main issue, I am satisfied in this instance that the proposal would not harm the character or appearance of the area. Any future proposals for development at other properties would be considered on the individual merits of each case.

Conditions

11. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposal is finished with materials that would match the existing.
12. No side windows are proposed as part of the development that is before me. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 would require any new upper-floor window in a side elevation wall to be obscure glazed and non-opening below 1.7m above the floor level of the relevant room. Therefore, a condition to control this matter, as has been suggested by the Council, would be unnecessary.

Conclusion

13. For the reasons given, I conclude that there would be no harm to the character or appearance of 55 Carlton Avenue West, or to the wider area, or to the living conditions at 57 Carlton Avenue West. Consequently, there would be no 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 and to achieve high levels of amenity. Neither, in the absence of any identified conflict with The London Plan design policies or the Brent Design Guide SPD1, do I find conflict with LP Policy BD1 which requires good design that responds to local character. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR