



Appeal Decision

Site visit made on 19 December 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4th January 2024

Appeal Ref: APP/T5150/W/23/3316303

115 Glengall Road, Brent, London NW6 7HG

- 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 Ryan Brady against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/3441, dated 5 October 2022, was refused by notice dated 6 December 2022.
 - The development proposed is rear dormer window, dormer window extension to rear outrigger with 1x front rooflight and relocation to first floor side window to flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development description has been taken from the Council's decision notice as it is more detailed than that provided on the application form.
3. The Council has raised no issue with regard to the front rooflight and relocation to first floor side window to flat elements of the proposal. On the basis of my observations I have no reason to disagree with this approach.
4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

5. The Council's reason for refusal makes specific reference to the effect of the proposal on the living conditions of occupiers of No. 117 Glengall Road. However, the Officer Report is clear that the Council also has concerns the proposal would be out of keeping with the character and appearance of the area. This has been addressed in appeal evidence submitted by the appellant.
6. I therefore consider that the main issues are the effect of the proposed development on: the character and appearance of the area; and the living conditions of occupiers of No. 117 Glengall Road with particular regard to outlook.

Reasons

Character and appearance

7. The appeal site comprises the first floor flat in a two-storey mid-terraced property with two-storey rear outrigger, situated in Glengall Road. The area is predominantly residential in nature, with terraced dwellings lining either side of this part of the street. The proposal would install a rear dormer on the main roof at the site with a dormer extension also erected on the rear outrigger, constructed from complementary materials and adding two bedrooms and an ensuite shower to the property.
8. However, these dormer features would represent a sizeable addition of built form. Their bulk and precise dimensions, spanning a significant width of the main roof of the property and projecting over the outrigger, would appear overwhelming in the context of the upper floors of the building, with the limited set up from the eaves in particular providing little visual relief. Overall, the dormer extensions would fail to read as subordinate additions and would not respect the character or proportions of the property. While not visible from Glengall Road they would be readily experienced from surrounding properties.
9. My findings that the dormers would cause visual harm are supported by the Residential Extensions and Alterations SPD2 (the SPD), which states that while rear dormers can be the full width of the original roof plane outside Conservation Areas, they should be set down from the ridge by at least 0.3m and set up from the eaves line by at least 0.5m. On the information before me, the proposed dormers would not be set up from the eaves by this amount. In addition, the SPD advises that dormers that project onto or over a rear projection will not normally be permitted. While this is guidance rather than policy, it remains a material consideration.
10. I observed that the rear elevations of dwellings both on Glengall Road and Esmond Road contain examples of dormers, including those projecting over rear additions, and further acknowledge the examples provided by the appellant. However, these were not so prevalent as to be a defining characteristic of the immediate surrounds, with limited dormers visible from the site that both spanned the main roof and projected over a rear outrigger with similar dimensions and limited set up from the eaves as the proposal.
11. I do not have information before me on the circumstances under which approval was granted for the nearby dormers, but each application is decided on its own merits. On my observations, even acknowledging surrounding dormer development, the precise scale and placement of the proposal would read as unduly sizeable and fail to reflect the predominant pattern of development in the immediate area of the site.
12. For the reasons given, the proposal would have a significant adverse effect on the character and appearance of the area. As such, it would fail to comply with Policy DMP1 of the Brent Local Plan 2019-2041 and the SPD insofar as they seek to ensure development is of a design and scale that complements the locality.

Living conditions

13. The proposal would introduce additional built form at the upper levels of the appeal property, visible by residents of immediately surrounding properties

both on Glengall Road and Esmond Road, resulting in a change in outlook for certain surrounding occupiers. In particular, the Council has raised concerns regarding the impact of the proposal on the outlook of residents at No. 117 Glengall Road.

14. The proposal would be readily seen from the rear amenity space and habitable room windows of No. 117. However, while its bulk would be noticeable, the main roof dormer would sit alongside that at No. 117 and the outrigger dormer would be set back from the boundary between the properties, ensuring that, despite its projection it would not appear visually intrusive from either the rear outdoor space or habitable room windows of No. 117.
15. Accordingly, while the proposal would result in a change to the outlook experienced by residents of No. 117 Glengall Road, due to the separation distance, overall it would not appear overbearing from these spaces or create an undue sense of enclosure for residents of this property. Accordingly, it would not negatively impact the enjoyment of the rear outdoor space or habitable rooms of No. 117 for occupiers of that property.
16. For the reasons given, the proposal would not have a significant adverse effect on the living conditions of residents at No. 117 Glengall Road with regard to outlook. As such, it would comply with Policy DMP1 of the Brent Local Plan 2019-2041 and the SPD insofar as they seek to ensure development provides high levels of amenity.

Other Matters

17. The appellant states the dimensions of the proposal are such that it would accord with permitted development rights. However, I have no substantive information before me on the applicability of such rights in this case, such that this remains a theoretical possibility which attracts limited weight.
18. I note that the proposal has been altered from a previous iteration of the scheme that was refused by the Council. Nevertheless, I must assess the scheme as it appears before me and, for the reasons given above, have found that it would result in harm to the character and appearance of the area. Similarly, while the appeal site is not in a conservation area or within the curtilage of a listed building, for the reason outlined I nevertheless find that it would cause unacceptable visual harm.

Planning Balance and Conclusion

19. The proposal would not harm the living conditions of residents of No. 117 Glengall Road with regard to outlook. This lack of harm is neutral in the planning balance. However, I have found that the proposal would result in significant adverse harm to the character and appearance of the area. Even when taken together, the above other matters do not outweigh this harm.
20. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR