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## Appeal Decision

Site visit made on 15 November 2023

**by P Storey BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 January 2024**

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**Appeal Ref: APP/T5150/W/23/3324291**

**13A Southview Avenue, Brent, London NW10 1RB**

- 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 Ved Vijay against the decision of the Council of the London Borough of Brent.
  - The application Ref 23/0827, dated 14 March 2023, was refused by notice dated 3 May 2023.
  - The development proposed is first floor rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension at 13A Southview Avenue, Brent, London NW10 1RB, in accordance with the terms of the application, Ref 23/0827, dated 14 March 2023, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – FL118 A101 Rev 02  
Existing and Proposed Floor Plans – FL118 A102 Rev 02  
Existing and Proposed Roof Plans – FL118 A103 Rev 02  
Existing and Proposed Elevations – FL118 A204 Rev 02  
Existing and Proposed Elevations – FL118 A205 Rev 02  
Existing and Proposed Sections – FL118 A306 Rev 02
  - 2) The external finishing materials shall match those as detailed on the planning application form.

### Preliminary Matters

2. An update to the National Planning Policy Framework was published on 19 December 2023 but there are no material changes relevant to the substance of the appeal.
3. At my visit I noted that the development has been substantially completed and appeared to broadly accord with the submitted plans. However, because I cannot be sure that the development I observed was in its finished state, I have determined the appeal based on the submitted plans on which the Council made its decision.

## **Main Issues**

4. The main issues are the effect of the proposed development on:
- the character and appearance of the area; and
  - the living conditions of the occupiers of neighbouring properties.

## **Reasons**

### *Character and appearance*

5. The appeal site is a first-floor end-terrace flat in a predominantly residential area. The immediate neighbouring properties are similar two-storey rows of dwellings in a traditional architectural style featuring both flats and houses.
6. Because of the site's corner position, the rear elevations of the host property and its neighbouring dwellings along the terrace are prominently visible from publicly accessible positions along Northview Crescent. Several first-floor extensions of similar appearance to the proposal are visible within the terraced row from these positions.
7. The Council notes that several of the existing neighbouring extensions do not benefit from planning permission, although some have attained lawfulness through the passage of time. However, I have no evidence that the Council is pursuing any such unauthorised development and I have assessed the proposal in this context.
8. Although the detailed design of the existing neighbouring extensions varies, they are generally of a similar scale and appearance, and utilise similar materials to the appeal proposal. Because of this overall consistency, the existing examples appear as characteristic and inclusive elements of the terrace. Even considering that the appeal subject is closer to the corner and therefore more prominent in public views, it appears similarly inclusive and does not add unduly to the cumulative bulk or volume of the existing extensions, whether considered in the context of the dwelling alone or the terrace as a whole.
9. For the reasons given above, the proposal would not be harmful to the character or appearance of the area and would accord with Policy DMP1 of the Brent Local Plan 2019-2041 – Adopted February 2022 (the BLP) which seeks, among other objectives, for development to be of a siting, layout, scale, type, density, materials, detailing and design that complements the locality. It would also generally accord with the provisions of the Brent Residential Extensions and Alterations SPD2 – January 2018 (the SPD), which has similar aims.

### *Living conditions*

10. The Council's concerns regarding living conditions relate to the effects on the occupiers of neighbouring properties at Nos 11 and 13 Southview Avenue with regard to light and outlook.
11. No 13 is the ground floor flat below the appeal property. Although No 13 features a rear-facing door flanked with windows, outlook from this opening was already inhibited by the ground floor rear projection of No 13 and the first floor rear projection of No 13A. Extending the first floor outwards to cover the

existing open terrace would have a negligible effect on outlook from the rear-facing door and windows.

12. The Council does not expressly state which rear-facing doors or windows on No 11 would be affected, or if the concerns relate to the ground or first floor. No 11 has windows at both ground and first floor on the recessed rear elevation, adjacent to those previously considered at No 13. It also has a two-storey rear projection with ground floor windows on the side elevation facing the appeal site. The development is likely to be visible from all of these windows and also from the rear garden area. However, given the existing ground and first floor rear projections at Nos 13 and 13A, the visual effects of the development would be marginal and a reasonable level of outlook would be retained.
13. The council does not distinguish whether its concerns in terms of light relate to daylight or sunlight. Although I am provided with no technical assessments relating to these matters, given my findings in relation to outlook, the likely effects on daylight would not be significant. The use of large amounts of glazing would also assist in this regard.
14. The site of the proposed development lies to the west and northwest of the neighbouring windows. Due to the presence of pre-existing ground and first-floor rear projections relative to the windows of neighbouring properties, it is unlikely that they received significant direct sunlight prior to any of the works subject to the appeal taking place. Based on the available evidence, I am not persuaded that the pre-existing situation would be worsened should the appeal be allowed. Accordingly, the proposal would be acceptable in terms of its effects relating to sunlight.
15. For the reasons given above, the proposed development would retain acceptable levels of light and outlook for the occupiers of neighbouring properties and would not harm their living conditions. It would therefore accord with Policy DMP1 of the BLP which seeks, among other objectives, for the siting, layout and scale of development to provide high levels of internal and external amenity, and to not unacceptably increase exposure to pollution and general disturbance. It would also generally accord with the provisions of the SPD, which has similar aims.

### **Conditions**

16. Because the development has already commenced it is not necessary to include the standard time limit condition. A condition setting out a list of approved plans is necessary in the interests of certainty. A condition requiring the external materials to match those detailed on the application form is necessary to ensure the development delivers a high standard of design and reflects the character and appearance of the area.

### **Conclusion**

17. For the reasons given above I conclude that the appeal should be allowed subject to the conditions listed in my formal decision.

*P Storey*

INSPECTOR