



Appeal Decision

Site visit made on 21 November 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/T5150/W/23/3322551

1038 Harrow Road, Brent, London NW10 5NN

- 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 Ian Line against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/3364, dated 29 September 2022, was refused by notice dated 29 November 2022.
 - The development proposed is extensions to first floor and roof space in connection with refurbishment and subdivision to create 2 x one bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposed dormer on the character and appearance of the host property and wider area; and
 - b) the effect of the proposed first-floor extension on the living conditions of the adjoining occupiers, with particular reference to outlook, sunlight and daylight.

Reasons

Character and appearance

3. The appeal site (No 1038) is a three-storey mid terraced Victorian property located within a street of similar properties fronting Harrow Road, with retail to the ground floor and two floors of accommodation above. The rear roofscape of the immediate context remains largely unaltered. The exception to this is the adjoining property, 1040 Harrow Road (No 1040) which has a tall slender dormer set close to the boundary with No 1038, and a large box dormer and mansard towards the opposing end of the terrace.
4. The proposed roof extension would be clearly visible from Victor Road which affords public views along the rear of the terrace. With the dormer extending across almost the full width of the roof slope, set slightly up from the eaves and down from the ridgeline. The structure would be disproportionately large for the modest roof slope and as a consequence it would dominate the building at roof level. The dormer would stand out as a bulky and discordant addition, at odds with the largely unaltered roof slopes surrounding. The use of matching materials would not adequately mitigate the harm. The development would therefore conflict with Principle 3.4 of the Brent Design Guide SPD1 2018 which

stipulates that development at roof level should minimise the visual impact from street level.

5. The appellant has drawn my attention to other dormers in the area. Although there are some similarities in design to the appeal scheme, I do not know the Council's reasons for permitting these developments. They are in the minority in any event and do not define the character of the area. The cited examples do not persuade me that a comparable dormer on the appeal property would be appropriate, given that in this instance the development would disrupt a row of largely unaltered roofs. I have taken account of the fact that other extensions and alterations have taken place in the wider area. However, I do not know the background to these developments, and they are generally at lower level and less visible from the public realm.
6. I conclude that the proposed dormer would cause material harm to the character and appearance of the host property and wider area, contrary to the design principles of Policy D3 of the London Plan, which seeks, amongst other things, for development to respond to the existing character of the place. There would also be conflict with Policy DMP1 of the Brent Local Plan 2019-2041 (Local Plan) insofar as it seeks to ensure that development creates high quality environments which relate to the existing building and spaces.

Living conditions

7. Notwithstanding the positioning and scale of the existing outrigger in relation to windows within the main body, both Nos 1038 and 1040 enjoy an open aspect to the rear. The proposal seeks to increase the depth and width of the outrigger, and this would involve increasing the overall height.
8. I have been told that No 1040 has habitable accommodation (a dining room) within the first floor of the main body of the building and I have observed accommodation within the outrigger. Given the close proximity to the dining room and degree of projection, the extended outrigger would appear imposing and overbearing for the residents of No 1040, creating a tunnel effect that would be harmful to outlook.
9. The submitted Daylight and Sunlight Report considers the effect of the proposal on the dining room window and concludes that there would be a reduction in Vertical Sky Component to slightly below the threshold set out in the guidance from the Building Research Establishment (BRE). This evidence lends weight to my finding that the extended outrigger would create an increased sense of enclosure and a gloomy and oppressive environment which would increase the reliance on artificial light. Even though the development would meet the BRE guidelines in relation to the kitchen window, this does not alter my view that the proposal would fail to achieve a high standard of amenity for occupiers of No 1040 within their dining room.
10. I note that the existing outrigger already breaches the 1:2 rule set out within the Residential Extensions and Alterations Supplementary Planning Document: SPD2 2018, and that extensions to neighbouring properties appear to be longer than that proposed. However, this does not affect my conclusion that the proposed first-floor rear extension would cause material harm to living conditions within the dining room of No 1040. Accordingly, I find that there would be conflict with Policy D3 of the London Plan which requires, amongst other things, that development proposals deliver appropriate outlook and

amenity. There would also be conflict with Policy DMP1 of the Local Plan insofar as it seeks to ensure that development creates high quality environments which addresses spaces between buildings, outlook, daylighting and shadowing.

Other Matters

11. At the time of my site visit the commercial element to the ground floor was in operation and plans submitted alongside the appeal show the first and second floors providing ancillary accommodation. I therefore give little weight to the claim that the proposal would bring a vacant commercial unit back into beneficial use.

Planning Balance and Conclusion

12. The appeal proposal would create two new dwellings, thereby supporting the Government's objective of significantly boosting the supply of homes. It would also make an economic contribution by providing jobs during construction and generating council tax revenue. However, the overall benefits would be modest and not significant enough to outweigh the harm to the character and appearance of the area and the living conditions of neighbours.
13. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate a decision otherwise than in accordance with the development plan. For the reasons given above, the appeal is dismissed.

L Clark

INSPECTOR