

Appeal Decision

Site visit made on 5 December 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/T5150/D/23/3328179

7 Barn Rise, Wembley, London, HA9 9NA

- 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 Mrs Salma Yousif against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/0715, dated 6 March 2023, was refused by notice dated 8 June 2023.
 - The development is described as retrospective planning application for rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension at 7 Barn Rise, Wembley, London, HA9 9NA in accordance with the terms of the application Ref 23/0715, dated 6 March 2023, subject to the conditions set out in the attached Schedule.

Preliminary and procedural matters

2. The planning history shows that an application to erect a rear extension at the appeal dwelling was refused permission by the Council at the tail end of 2017. However, the subsequent appeal¹ succeeded and planning permission was granted in 2018. That permission was not implemented, but the Council renewed the permission in 2021².
3. Building works commenced and, as I saw during my visit, the rear extension was complete, fitted out and in use. However, it has not been built in accordance with the approved plans. Additionally, a side canopy has been added – this is affixed to the rear extension. This did not form part of the proposals permitted on appeal in 2018 or by the Council in 2021. The appellant seeks permission for the rear extension, as built, together with the unauthorised side canopy.
4. A separate planning application was made for the retention of the side canopy and was refused permission³ by the Council towards the end of 2023.
5. The other aspects of the planning history set out by the Council have been noted, in particular, the outbuilding granted on appeal⁴ in 2020, which subsequently was not built in accordance with the approved plans. However,

¹ APP/T5150/W/18/3195866

² Ref 20/3990

³ Ref 23/2861

⁴ APP/T5150/W/19/3237663

the modified outbuilding was granted planning permission by the Council at the end of 2023.

6. One of the Council's reasons for refusal related to their contention that the submitted plans contained inaccuracies. I saw that to be the case at my site visit. Accordingly, the applicant was invited to submit accurate plans, which she did. Although the Council consider the latest plans not to be wholly accurate in some respects, they confirm that the plans of the rear extension are accurate. In their response, the Council comment on aspects of the outbuilding's measurements, but that is not a matter before me.

Main issues

7. The main issues are:

(a) the effect of the development on the host property and whether the development preserves or enhances the character or appearance of the Barn Hill Conservation Area (CA), in which the appeal site is located;

(b) the effects on the living conditions of the neighbouring residents at Nos. 5 & 9 Barn Rise with particular reference to light, outlook, visual impact and privacy.

Reasons

Character & appearance

8. I am familiar with the site since I conducted the 2018 appeal. As explained in my decision letter, '*special circumstances*' arose then which I considered warranted a departure from aspects of local policies and guidance applicable at the time.
9. The Council's detailed measurements and other comments reveal the main differences between the approved plans and the 'as-built' scheme. Whilst the differences are not *de minimus*, they are nevertheless modest, in my view.
10. The Council's comments as to from where outside the site parts of the rear extension could be seen have been noted. At my site visit I carefully examined what could be seen from various vantage points in the streets outside, including those highlighted by the Council. I arrived at the view that the as-built extension has no materially greater impact on the host property and the CA than the scheme granted permission firstly by myself and then by the Council. I therefore have no reason to depart from the conclusions previously reached in respect of the rear extension.
11. The canopy did not form part of the original planning permission, and the revised plans show how it would be finished at the front. From limited viewpoints from the street the profile of the canopy, which is well set back from the front elevation, would be seen above a side door. To my mind it would have a limited and not unacceptable impact on the CA as a whole. The canopy's function is to provide shelter for a narrow path running alongside the house. Its effect on the host property would be minimal and acceptable.
12. I conclude that the development has not and would not harm the character and appearance of the host property or the CA, and the character and appearance of the CA would thus be preserved. The development would not therefore conflict with those provisions of policy DMP1 and BHC1 of the Brent Local Plan

(LP) directed to achieving good quality design and conserving the Borough's heritage.

Living conditions

13. The Council's concerns relate to the effect of the development on the living conditions of the immediate neighbours at Nos 5 & 9 Barn Rise respectively.
14. I do not consider that the modest changes made to the shape, height and size of the rear extension are such as to have a materially greater effect on the residents of No 5 in terms of outlook, visual impact or daylight than the scheme approved on appeal in 2018.
15. I noted however that the side windows facing No 5 have not been constructed in accordance with the originally approved plans and are not therefore compliant with the conditions imposed on the appeal permission and the subsequent renewal to safeguard privacy. However, this may be addressed by condition so that any deleterious effect on privacy or perceived loss of privacy may be satisfactorily addressed.
16. As to the effect on the residents of No 9, the canopy projects above the boundary wall separating the respective curtilages, but the extent of the projection would not be such as to cause harm. The residents of No 9 have indicated that they have no objection to the scheme as built, and I have no reason to consider that harm would occur to its residents for any reason.
17. I therefore conclude that the proposed extension would not harm the living conditions of the residents of the adjacent properties at Nos 5 & 9 Barn Rise. Accordingly, I find no conflict with those provisions of LP policy DMP1 directed to preserving residential amenity.

Conditions

18. I have considered the Council's 2 suggested conditions. However, in light of the fact that the rear extension is complete, no further conditions in respect of this structure are necessary, other than in respect of the side windows facing No 5 Barn Rise. I shall require these to be permanently fixed shut and obscurely glazed, as was originally consented, in the interest of protecting neighbouring privacy.
19. I have noted the appellant's request that they be kept partially open so as to provide ventilation, but having regard to the presence of other large openings serving the rear room I do not consider that additional sources of ventilation are necessary.
20. A condition requiring the canopy to be completed in accordance with the most recently submitted drawings is also imposed.

Other matters

21. All other matters raised in the representations have been taken into account, including the views of local residents and the Barn Hill Residents Association. I have already dealt with the main planning-related points raised. I have also had regard to the content of the Barn Hill Conservation Area Design Guide.
22. The Council's Principal Heritage Officer comments have also been considered and I share the thrust of his expressed view.

23. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The canopy hereby permitted shall be completed in accordance with the following approved plan: P_004 Rev A dated 04.01.24
2. Within 4 months of this permission the south-facing window panes facing 5 Barn Rise shall be obscurely glazed and fixed shut so as to render the window as a whole non-opening. The window shall thereafter remain permanently fixed shut and obscurely glazed.