



Appeal Decision

Site visit made on 15 January 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND February 2024

Appeal Ref: APP/T5150/D/23/3332458

143 Chatsworth Road London NW2 5QT

- 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 Karima Harris against the decision of The London Borough of Brent.
 - The application Ref: 23/2675 dated 9 August 2023 was refused by notice dated 3 October 2023.
 - The development proposed is New door opening and window to rear elevation. Installation of timber decking and green roof above extension. New glass balustrade around perimeter of existing rear extension.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect of the proposal upon the living conditions of neighbouring users and the appearance of the host dwelling.

Reasons

3. No.143 Chatsworth Road is a large two-storey semi-detached house in an established residential area of similar properties with substantial gardens and significant screening.
4. The proposal intends to create a large external seating area by the installation of decking, part green roof and enclosed by glass balustrading upon the flat roof of a single storey rear extension which sits in close proximity to the boundary with No.141 Chatsworth Road (No.141). Access to the terrace would be provided from an adjoining bedroom with associated changes to fenestration.
5. The appellant suggests that *'views from proposed roof terrace would not be any different, and crucially not any more harmful than the views currently experienced from the first floor and second floor rear windows....'* Going on to refer to such views into neighbouring gardens being very common from first and second floor windows. Such analysis, however, is to misapprehend both how privacy between neighbouring residents is mediated and that there is a clear qualitative difference in what is proposed from what currently exists.

6. Whilst it is plainly correct to assert that overlooking of adjacent back gardens from upper floor windows is common in many built-up areas and that the occupiers of No.143 currently have such views over their neighbour's gardens, such overlooking is mutually experienced and accordingly moderated. The insertion of (what would amount to) an unenclosed viewing platform at the partly open boundary to No.141 would unbalance the existing mutuality of overlooking such that other resident's¹ perception would be that of a significant detriment to their privacy in an otherwise private garden area. The proposed roof terrace would cause significant harm to the privacy and amenity of neighbouring users.
7. The Council suggest the works would be 'bulky and incongruous' and detrimental to the character and appearance of the host property and surrounding area. What would be apparent to most viewers would, however, be clear glass balustrading and some alterations to the rear fenestration. Overall the works would, on their own, cause a negligible degree of change and insignificant visual harm which would be imperceptible in the public realm. The use of the terrace would, however, bring a significant change of appearance from the placing of furniture and other chattels associated with the activity that would arise were the works proposed to be carried out. This would emphasise the loss of amenity experienced by neighbouring users, nevertheless the second refusal reason is not substantiated in the terms employed and implicit in the first.
8. Although I have not concluded there would be visual harm from the built form of the proposed works, the resulting use would be unacceptably detrimental to the amenity and privacy of the users of adjoining dwellings and this would conflict with Policy DMP1 of the Brent Local Plan 2019-2041 and Guidance set out in Brent Supplementary Planning Guidance SPD2 'Residential Extensions and Alterations' (SPD2) which seek to protect the privacy and amenity of neighbouring users. The development would conflict with the development plan taken as a whole and therefore, for the reasons given and taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR

¹ particularly those immediately adjacent in the rear garden of No.141 but to a lesser degree at No.145