



Appeal Decision

Site visit made on 6 February 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2024

Appeal Ref: APP/T5150/D/23/3335587

93 Carlton Avenue West, Wembley, Brent, HA0 3RB

- 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 M Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2588, dated 1 August 2023, was refused by notice dated 27 September 2023.
 - The development proposed is conversion of garage into habitable room with replacement of garage door with window, erection of single storey rear extension, first floor side to rear extension, rear dormer extension, roof alteration with insertion of 1 x side rooflight and replacement of windows and doors to dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garage into habitable room with replacement of garage door with window, erection of single storey rear extension, first floor side to rear extension, rear dormer extension, roof alteration with insertion of 1 x side rooflight and replacement of windows and doors to dwellinghouse at 93 Carlton Avenue West, Wembley, Brent, HA0 3RB in accordance with the terms of the application Ref 23/2588, dated 1 August 2023 and in accordance with the conditions set out in the attached schedule.

Procedural Matters

2. The Council's reason for refusal focuses on what it describes as the "excessive depth" of the proposed ground floor rear extension. In this regard, in its officer's report, the Council argues against extending the existing dwelling further to the rear at ground floor level.
3. Given this, I note that the appellant has drawn my attention to a recent planning permission¹ at the appeal site, whereby the Council has granted planning permission for the existing dwelling to extend further to the rear at ground floor level.

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the Sudbury Court Conservation Area.

¹ Reference: 23/3331.

Reasons

5. The appeal property comprises a two storey semi-detached dwelling located within a residential area.
6. The appeal property is situated within the Sudbury Court Conservation Area which is characterised by the presence of Arts and Crafts influenced dwellings set within generous garden plots. Further, the presence of grass verges and streets combines with the presence of gardens and gaps between pairs of semi-detached dwellings to provide for a significant sense of greenery and spaciousness.
7. During my site visit, whilst I observed that many dwellings have been altered and/or extended, I noted that such changes generally appear to respect the host property and the character of the Sudbury Court Conservation Area.
8. The Council's only concern relates to the proposed ground floor rear extension. The proposal would result in the ground floor of the dwelling projecting into the rear garden across the whole width of the property. Whilst it would amount to a rear projection that would be in excess of guidance set out in the Council's Supplementary Planning Document: SPD2 Residential Extensions and Alterations (2018), this provides guidance rather than a strict policy requirement to be slavishly adhered to.
9. During my site visit, I noted that the appearance of the rear of dwellings along Carlton Avenue West varies significantly. In addition, I also observed that, due to the long rear gardens and the significant variation in landscaping, boundary features, outbuildings and planting, such variances in built form do not draw the eye but rather, fit in with their surroundings.
10. Taking the above into account, I find that the relatively small rear projection proposed – no more than a metre beyond the built form of neighbouring dwellings – would have little if any discernible visual impact.
11. In this regard, I am also mindful that, as noted above, the Council itself has recently granted planning permission that would allow a ground floor extension to project the same distance to the rear, albeit across the majority but not quite the full-width, of the property as the proposal the subject of this appeal.
12. The difference between the development permitted by this recent permission and that proposed is negligible. Further, I find that the proposal the subject of this appeal would result in a neat and visually pleasing ground floor rear extension that would tie in well with other works to the dwelling.
13. Taking all of the above into account, I find that the proposal would preserve the character and appearance of the Sudbury Court Conservation Area and would not be contrary to the National Planning Policy Framework, to Policies BHC1 and DMP1 of the Brent Local Plan (2022) or to the Council's Sudbury Court Conservation Area Design Guide (2015), which together amongst other things, seek to protect local character.

Conditions

14. I have considered the conditions suggested by the Council against the tests set out in Paragraph 56 of the Framework. A condition specifying the approved

plans is necessary for the avoidance of doubt and in the interests of proper planning.

15.A condition controlling external surfaces is necessary in the interests of local character.

16.A condition controlling the roof light is necessary in the interests of conserving the character and appearance of Sudbury Court Conservation Area.

17.A condition controlling windows on the upper floors and roof slope within the side façade of the building is necessary in the interests of the privacy of neighbouring occupiers.

Conclusion

18.For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
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- 1) The development hereby permitted shall begin not later than three years from the date of this decision;
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 02 Rev C Existing/Proposed Elevations; 03 Rev C Existing/Proposed Elevations; 04 Rev C Proposed Ground and First Floor Plans; 05 Rev B Proposed Second Floor Plan; 06 Rev B Existing/Proposed Roof Plans; 07 Rev A Proposed Window Details.
- 4) The roof light hereby approved shall be a flush fitting conservation style roof light as detailed within the approved plans.
- 5) The windows located on the upper floors and roof slope within the side façade of the building as altered or extended building must be (i) obscure-glazed; and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and shall be permanently maintained in that condition thereafter unless the planning consent is obtained from the Local Planning Authority.