
Appeal Decision

Site visit made on 20 February 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/T5150/D/23/3333362

1 Birchwood Court, Edgware, London HA8 5JE

- 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 Yeshi Teferra against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2126, dated 20 June 2023, was refused by notice dated 1 September 2023.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant's surname is spelt differently on the planning appeal form compared to that given on the application form lodged with the Council. As the right of appeal rests solely with the original applicant, I have proceeded on the basis that Mr Yeshi Teferra is the appellant in this case.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. The Framework does not raise any new matters that are determinative to the outcome of this appeal.

Main issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of 3 Birchwood Court and 9 Limesdale Gardens with particular regard to visual impact and light.

Reasons

5. The proposal is to introduce a full width ground floor extension at the back of the appeal property, which is a semi-detached house within a predominantly residential area. The new addition would project outwards from the existing rear wall by about 3-metres into the back garden, which gently slopes downwards away from the main house.
6. Of the properties close to the site, it is the occupiers of 3 Birchwood Court and 9 Limesdale Gardens that are most likely to be affected by the proposal. No 3 is attached to the appeal dwelling and the rear garden of No 9 backs onto the opposite side of the site. A new flank wall would run alongside the shared boundaries with each of these neighbouring properties and the proposal would be visible from their back gardens and rear windows.

7. By significantly lengthening the existing sidewall that is close to and parallel with the common boundary with No 3, the proposal would further enclose the external space that is closest to the main house. Because this garden area is close to the rear elevation of No 3 it is likely to be most used and therefore of particular value to the neighbouring occupiers. The new flank wall is also likely to be evident at close range from the ground floor rear windows of No 3. Due to its rearward projection, height, and position, I consider that the presence of this lengthy blank wall would feel unduly imposing to the occupiers of No 3.
8. There would also be some loss of sunlight and daylight to the rear of No 3 due to the overshadowing effect of the proposal just to the east. The loss of natural light would be most pronounced during the early morning and in winter months when the sun is lower in the sky. The effect of overshadowing would accentuate the visual impact of the new extension, causing it to overbear on the occupants of No 3 when viewed from the rear of their property.
9. The appeal scheme would be some distance from the rear windows of No 9 and the boundary treatment along this shared boundary would already cause some overshadowing of its rearmost garden. Consequently, the additional loss of natural light due to the proposal would be modest in both extent and duration. Overall, the main outlook from the rear of No 9 and the main source of natural lighting would not be significantly affected. Consequently, the living conditions of the occupiers of No 9 would not be materially reduced.
10. Nevertheless, I conclude on the main issue that the proposed development would materially harm the living conditions of the occupiers of No 3. As such, it conflicts with Policy DMP1 of the Brent Local Plan 2019-2041 and the advice within the Council's Supplementary Planning Document, *Residential Extensions & Alterations* (SPD2) insofar as they aim to safeguard residential amenity. It is also contrary to the policies of the Framework, which seek to ensure a high standard of amenity for existing and future users.

Conclusion

11. Overall, the development conflicts with the development plan, when read as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
12. For the reasons set out above, and having regard to all other matters raised, including the absence of objections from others, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR