



Appeal Decision

Site visit made on 13 February 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/T5150/W/23/3326503

12A Northview Crescent, Brent, London NW10 1RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Maarja Lahe against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/0761.
 - The development proposed is first floor rear extension, re-positioning of rear external staircase to first floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension, re-positioning of rear external staircase to first floor flat at 12A Northview Crescent, London NW10 1RD in accordance with the terms of the application, Ref 23/0761, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan A100 REV 04; Existing and Proposed Elevations A204 REV 04; Existing and Proposed Floor Plans A102 REV 04; Existing and Proposed Section A306 REV 04; Existing Loft, Roof Plan and Proposed Roof Plan A103 REV 04 and Existing and Proposed Elevations A205 REV 04
 - 3) 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.

Preliminary Matters

2. I have taken the description of development from the appeal form as this is more accurate than the version provided on the application form. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect but there are no material changes relevant to the substance of the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 10 and 14 Northview Crescent, with regard to outlook and daylight/sunlight.

Reasons

4. The appeal property is a first floor flat with an existing rear extension and terrace on top of the ground floor flat extension. The proposal would not extend to the full depth of the existing ground floor extension and would result in a modest increase in built form, retaining an area of terrace.
5. The Council has not clearly articulated which windows are of concern at the ground floor flats at 10 and 14 Northview Crescent. Notwithstanding this the proposal would be set in from the common boundaries with these properties and as such, the proposal would be at some distance from the neighbouring windows. I did not observe any windows at No 10 and 14 that would face the proposal. Owing to the existing alterations and extensions on this elevation the proposal would not be dominant in any views and would largely preserve the occupiers' outlook.
6. Given the modest increase in built form being proposed and the separation between the proposal and No 10 and 14, there is no substantive evidence to indicate that there would be a significant reduction in the amount of daylight/sunlight at these properties as a result of the proposal. Therefore, the appeal scheme would not affect daylight/sunlight levels to the extent that it would diminish the living conditions of the occupiers at these properties.
7. Irrespective of whether or not there would be a numerical breach of the '1:2 rule' set out in the Residential Extensions and Alterations SPD2 (2018) (SPD), a reasonable outlook and level of daylight/sunlight would be maintained for the occupiers of No 10 and 14.
8. As such, the proposal would not have an unacceptable effect on the living conditions of the occupiers of 10 and 14 Northview Crescent, with regard to outlook and daylight/sunlight and accords with Policy DMP1 of the Brent Local Plan (2022). Amongst other things, this policy requires development to provide high levels of amenity. It would also be in line with the guidance set out in the SPD with regard to rear extensions ensuring that any loss of amenity and light to neighbouring properties is kept within reasonable limits.

Conditions

9. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. I agree that a materials condition is necessary in the interests of the character and appearance of the area. I have also imposed a plans condition which is reasonable in the interests of certainty.

Conclusion

10. For the reasons given above the proposal accords with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, the appeal should be allowed.

F Harrison

INSPECTOR