



Appeal Decision

Site visit made on 12 February 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal Ref: APP/T5150/W/23/3327644

45A Larch Road, London NW2 6SG

- 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 David Raymond against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/1134.
 - The development proposed is erection of a single-storey side infill extension to ground floor flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is a dispute between the main parties regarding the overall projection of the proposed infill extension. For clarity, I have taken those dimensions provided by the appellant.

Main Issues

3. The main issues are the effect of the proposed single storey infill extension on:
 - the living conditions of the occupiers of 43 Larch Road (No 43) with particular regard to outlook; and
 - the character and appearance of the area.

Reasons

Living conditions

4. The appeal property (No 45a) is an end-of-terraced property. Both No 45a and the adjoining property, No 43 have similar two-storey outriggers projecting from the main rear elevation which are set mirroring one another which results in a narrow strip between each outrigger and the shared boundary. The ground floor rear elevation within the main body of No 43 has a half-glazed door with a slim glazed panel, and a double window to the flank elevation of the outrigger, located close to the junction with the main rear elevation.
5. The proposal would infill the majority of the side return and project outwards from a designed lightwell, terminating in line with the existing single-storey rear outrigger. The Council's Residential Extensions & Alterations SPD2 2018 (SPD) states, amongst other things, that infill extensions between two-storey outriggers and the boundary should be no higher than 2.0 metres on the

boundary and 3.0 metres where it meets the main house. This is to ensure the amenity of adjoining occupants is protected. Even though the proposal would create a light well, which would provide some relief in outlook, the infill extension would exceed those dimensions specified within the SPD. Despite the height on the boundary being just above 2.0 metres, the combination of the overall height, together with its projection on the shared boundary, would create a tunnel effect. This would restrict views from the majority of the windows within the ground floor and would significantly dominate the outlook for the existing occupants of No 43.

6. The Council contend that the proposed infill extension would result in an overbearing impact and an unacceptable sense of enclosure to the occupants of No 43 whilst in the garden. Even though the proposed infill extension would terminate beyond the rear of the outrigger, the garden of No 43 would retain a predominantly open aspect. As such, the proposed development would not result in an overbearing impact or create a harmful sense of enclosure to the occupants of No 43.
7. I conclude that whilst I have found no harm with regard to the use of the garden, the proposed extension would fail to provide adequate living conditions for the existing occupants of No 43 with regard to outlook. Accordingly, the proposal would be contrary to Policy DMP1 of the Brent Local Plan 2019-2041 (Local Plan) which seeks, amongst other matters, to ensure development provides high levels of internal and external amenity. There would also be conflict with the SPD, insofar as to ensure the development protects the amenity of existing residents.

Character and appearance

8. The location of No 45a results in the flank and rear elevation of the appeal property, and the rear elevations of those two-storey outriggers to Larch Road, being clearly visible from Ivy Road. The proposal would retain the overall depth of the existing single-storey outrigger and to a large extent the existing mono-pitched roof above. The proposed gable feature would be tied into the existing roof and set at right angles, which would result in it being visible from Ivy Road.
9. The proposal would tie into the existing single storey outrigger, exceeding the 3 metre maximum projection set out in the SPD. Even though the gable feature to the roof would be visible from Ivy Road, its design would replicate the prevailing character created by the existing two-storey outriggers to the rear of Larch Road. As such, a set back from the rear wall of the single storey outrigger is not necessary to achieve subservience. Therefore, the proposed infill extension would not materially harm the character and appearance of the area.
10. I conclude that whilst the proposal would not meet all aspects of the SPD, it would not be harmful to the character and appearance of the area. Accordingly it would comply with Policies DMP1 and BD1 of the Local Plan which collectively seek, amongst other matters, that new development must be of the highest architectural and urban design quality.

Other Matters

11. The lack of objection from No 43 or other neighbouring properties does not in itself render the scheme acceptable.

12. The appellant contends that the proposed infill extension would not noticeably reduce daylight within No 43 or its rear garden. Loss of light is not a matter which is referred to in the reason for refusal and there is limited evidence to suggest that the Council has concerns in this regard. On the basis of the information before me, there is no evidence to lead me to a contrary view.

Planning Balance and Conclusion

13. I recognise that the proposal would improve the living conditions for occupants within No 45a, however, the benefits of doing so would not outweigh the harm that it would cause to the living conditions of the existing occupants within No 43. On balance, I find that the proposal conflicts with the development plan taken as a whole, and material considerations do not indicate the decision should be made other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

L Clark

INSPECTOR