



Appeal Decision

Site visit made on 13 February 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/T5150/D/23/3320182

189 Chaplin Road, Wembley, Brent HA0 4UP

- 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. Bavani Satkunarajah against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/3408, dated 3 October 2022 was refused by notice dated 18 January 2023.
 - The development proposed is described as *"part single and part two-storey side extension, partial two-storey rear extension, retention of rear dormer, and landscaping to front forecourt with associated alterations"*.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.
3. At the time of my visit a dormer on the rear elevation, a single storey rear extension and a first-floor rear extension had already been constructed. However, 'retention' as referred to in the application form and decision notice does not constitute an act of development. I have therefore dealt with the appeal on the basis that planning permission is sought for the development in accordance with the drawings submitted.

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions of the existing occupiers of 187 and 191 Chaplin Road, with particular regard to outlook and light; and
 - the character and appearance of the appeal property and the surrounding area.

Reasons

Living conditions

5. A first-floor extension which is currently approximately half the width of the original dwelling would be extended across the rear of the proposed two storey side extension. It would be approximately 3.42m from the nearest habitable room window on the rear elevation of 187 Chaplin Road (No. 187) and approximately 4.9m from the nearest first floor window in 191 Chaplin Road

- (No. 191). At a depth of 3m from the main rear elevation of the appeal property, it would fail to comply with the 1:2 rule advocated in Brent's Residential Extensions and Alterations SPD2 (SPD) which seeks to protect neighbouring occupiers from loss of outlook and light.
6. In terms of the impact on No. 191 the outlook from the ground floor windows is already constrained to some extent by the single storey extension at the appeal property, the first-floor extension therefore adds bulk and mass to views from the rear of No. 191 which compounds the sense of enclosure. On the boundary with No. 187 the two-storey extension would be an imposing feature which would dominate the outlook, particularly at the first floor, to the detriment of the living conditions of its occupiers.
 7. No. 191 has a ground floor window close to the boundary with the appeal site which is recessed under a canopied roof which spans the width of its rear elevation and casts a degree of shade over its ground floor windows. A close boarded fence sits between the two properties. Beyond the length of the extension the outlook from the rear is generally open with views towards houses on Fernwood Avenue. Although the single storey extension is close to the boundary, the relatively limited length of the projection and its single storey height with flat roof means that it does not have an unacceptably overbearing or overshadowing effect on No. 191.
 8. In coming to my decision on this main issue, I have paid regard to the lawful development certificate for a similar single storey rear extension on the appeal property. Whilst I acknowledge that the eaves height as built differs from that which was the subject of the certificate, the minor difference in height would not have a demonstrably worse effect on the living conditions of the occupiers of No. 191.
 9. I therefore conclude that although the single storey extension to the rear would not cause harm to the living conditions of No. 191, the first-floor extension on the rear elevation of the appeal property would unacceptably harm the living conditions of both Nos. 187 and 191, with particular regard to outlook and light. The proposal would therefore fail to comply with Policy DMP1 of the Brent Local Plan 2022 (Local Plan), which seeks to maintain the quality of the built environment by ensuring development is of high design and has no adverse impact on the character, appearance, or quality of the wider area. As set out above, there would also be conflict with the advice set out in SPD.

Character and appearance

10. Chaplin Road is a residential street, characterised by two storey semi-detached properties, set back from the highway by short front gardens and areas of hardstanding with long back gardens. The pairs of properties have a stepped appearance to their roofs and have two storey curved bays with projecting hipped features over the bays with hung tiles between the ground and first floor bay windows. Their consistency contributes positively to a pleasant character and appearance of the area. However, from my observations on site, extensions to the side and rear of properties are commonplace in the area
11. The SPD advises that care should be taken with the design of any rear dormer. It goes on to require dormers to be set down from the ridge by at least 0.3m and up from the eaves line by at least 0.5m. In this case, the rear dormer is almost the full width of the roof and inset up from the eaves by approximately

0.3m and down from the ridge by approximately 0.15m which would not be in line with the SPD. However, this would be similar to that of the dormer on the adjacent property at 191 Chaplin Road (No. 191). Furthermore, the limited set down from the ridge is not visible from Chaplin Road. I therefore do not consider that the dormer causes harm to the character and appearance of the appeal property or its surroundings.

12. The pitched roof on the existing first floor extension would be removed and replaced with a flat roof. This would match the flat roof of the dormer and the single storey extension below. The hip to gable extension and the proposed side extension would also be sympathetic to that of the existing house with respect to materials, set back from the front elevation, roof height and design and would not be out of scale or proportion to the existing dwelling or those surrounding it. Consequently, the proposal would not look out of place in its surroundings.
13. Accordingly, the effect of the development on the character and appearance of the area is acceptable. The proposal would therefore comply with the overall aims and objectives of Policy DMP1 of the Brent Local Plan 2022 (Local Plan), which seeks to maintain the quality of the built environment by ensuring development is of high design and has no adverse impact on the character, appearance, or quality of the wider area. There would also be no conflict with the advice set out in the SPD with regard to the character and appearance of the proposal.

Other Matters

14. My attention has been drawn to several other permissions for residential development in the local area. I do not have the full details before me. However, they do not entirely reflect the design or the scale of the proposal before me. The presence of these does not overcome the harm that I have otherwise found.

Conclusion

15. Although I have concluded that there would be no harm to the character and appearance of the appeal property or its surrounding, there would be unacceptable harm to the living conditions of Nos. 187 and 191. Therefore, for the reasons given above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

K L Robbie

INSPECTOR