



Appeal Decision

Site visit made on 4 March 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25.03.2024

Appeal Ref: APP/T5150/D/23/3333570

50 Aylestone Avenue, London NW6 7AA

- 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 Haider Zaman against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2300, dated 6 July 2023, was refused by notice dated 1 September 2023.
 - The development proposed is a 2 storey rear extension plus a loft conversion to create habitable space in the loft with 1 rear facing dormer, 2 side facing dormers, 3 front facing roof lights and 1 side facing roof light with internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a 2 storey rear extension plus a loft conversion to create habitable space in the loft with 1 rear facing dormer, 2 side facing dormers, 3 front facing roof lights and 1 side facing roof light with internal alterations in accordance with the terms of the application Ref 23/2300, dated 6 July 2023, 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 following approved plans: 100 REV P1, 101 REV P1, 110 REV P2, 111 REV P2, 112 REV P2, 120 REV P1, 121 REV P1, 122 REV P1, 310 REV P1, 311 REV P1, 312 REV P1, 313 REV P1, 320 REV P1, 321 REV P1 and 325 REV P1. Where there is any difference between the annotated measurements on the plans and the scaling of the plans, the annotated measurements shall be taken as the correct dimensions and any other dimensions shall be taken as being appropriately proportionate to the annotated dimensions.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 4) The loft conversion hereby permitted shall not be occupied until the side facing dormer windows have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the

room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Preliminary matters

2. The Council rightly draws attention to a discrepancy between the scaling of some of the plans and the measurements annotated on those same plans. It appears that this may have arisen due to an error in reproduction coupled with the addition of inaccurate scale bars. The appellant confirms that the annotated measurements correctly describe the proposal and I have considered the appeal on this basis. This means for example that the depth of the rear extension would be up to about 4.05m, not 4.8m as measured from the plans by the Council.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, during consideration of the appeal. Having regard to the changes in the Framework and to the comparatively minor scale and nature of this appeal proposal, I consider that further consultation on this matter is not necessary.

Main issues

4. The main issues are the effect of the proposal on:
 - i) The character and appearance of the house and this part of Aylestone Avenue; and
 - ii) Living conditions at neighbouring properties, 48 and 52 Aylestone Avenue.

Reasons

Character and appearance

5. 50 Aylestone Avenue is a semi-detached house located in a row of similar houses within a mainly residential area of suburban character. The linking section with No 48 next door is set well back from the frontage so that both houses have the appearance of being detached at the front. The houses on this part of the street are of varying architecture, but mainly with hipped roofs and deep plans. No 50 is fairly typical in this respect. The proposal is to build a full height extension at the back and to extend the roof, creating a crown roof at the top and converting the loft into accommodation with the addition of dormer windows and rooflights.
6. The proposal would increase the depth of the side walls, which would be seen in angled views from the street, but not so much as to be out of character with other deep-plan houses nearby, some of which also appear to have crown roofs. The gaps between buildings would be maintained, so that there would be no significant loss of spaciousness. There are not many side facing dormers locally, so this aspect of the proposal would be more notable. The proposed dormers would not, however, be excessively large and they would sit comfortably within the side roofs. The overall increase in built volume and massing would not be harmful.
7. I note also that a Lawful Development Certificate has recently been granted by the Council, confirming that the side dormers could be built as permitted development, on their own. This would not apply if the dormers were built in

combination with the other extensions proposed here though, so I give it little weight as a fall-back position.

8. I conclude that the proposal would not harm the character and appearance of the house and this part of Aylestone Avenue. It accords in this respect with policy DMP1 of the Brent Local Plan 2019-2041 (BLP) and the guidance within the Council's Supplementary Planning Document *Residential Extensions and Alterations* (SPD2), which aim to ensure that development complements the locality and the character of the street, including in regard to side facing dormer windows.

Living conditions

9. The Council's concern on this issue is about the impact on the outlook from a first floor rear window at No 52 next door. SPD2 says that the depth of any 2 storey rear extension is restricted to half the distance between the side wall and the middle of any neighbour's nearest habitable room window.
10. The Council advises that the distance to the middle of the first floor rear window at No 52 is about 4.7m, which in the terms of SPD2 would limit the depth of extension only about 2.35m, much less than the 4.05m proposed. This guidance does not, however, appear to take into account the difference between ground floor and first floor windows. No 52's nearest first floor window is at a high enough level that it would retain a wide range of views, including views of the sky over No 50's hipped roof, as that roof tails away sharply. The proposed extension would not, therefore, become a dominant or intrusive feature in the outlook from No 52.
11. A neighbour also raises concerns about the impact on living conditions at No 48. The proposed extension would largely be screened from No 48 by the existing 2 storey linking section between the main houses. Overlooking from the proposed side facing dormer windows looking towards both No 48 and No 52 could be controlled by a condition requiring obscure glazing.
12. Despite some conflict with the specific guidance of SPD2, I conclude that the proposal would not harm living conditions at neighbouring properties. It accords with BLP policy DMP1 and SPD2's aim to secure high levels of amenity.

Other matters

13. The Council's report and a neighbour also raise an issue about the living conditions for future occupiers of No 50, though the Council decided not to refuse the application on this basis. A bedroom proposed in the loft would be a long, narrow room with only 1 side facing, obscure glazed dormer window for light and air. Although this is not an ideal situation, this would be the fifth bedroom for the property, so it is reasonable to assume that its use could be flexible. I agree with the Council that this is not sufficient reason to withhold permission. Satisfactory overall living conditions would be provided for future occupiers.

Conditions

14. I impose a condition specifying the relevant plans to provide certainty. A condition requiring the use of matching materials is needed to protect local character and appearance. A condition requiring obscure glazing of the side

dormer windows, as indicated on the plans, is also necessary to protect neighbours' privacy.

Conclusion

15. I find that the proposal accords with the development plan, taken as a whole. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR