
Appeal Decision

Site visit made on 7 February 2024

by J N Seymour BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/T5150/D/23/333537

2 Amery Road, Harrow, Brent HA1 3UQ

- 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 Dr. N. Ria against the decision of the Council of the London Borough of Brent.
 - The application Ref: 23/2358, dated 12 July 2023, was refused by notice dated 20 September 2023.
 - The development is described as: 'Proposed demolition of existing attached garage and erection of part single, part two storey side and rear extension, front porch extension, rear and side dormer window roof extensions, 4x side, 2x front and 1x rear rooflights to dwellinghouse'.
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Decision

1. The appeal is allowed and planning permission is granted for the 'Proposed demolition of existing attached garage and erection of part single, part two storey side and rear extension, front porch extension, rear and side dormer window roof extensions, 4x side, 2x front and 1x rear rooflights to dwellinghouse' at 2 Amery Road, Harrow, Brent, HA1 3UQ. This is in accordance with the terms of the application, Ref: 23/2358, dated 12 July 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 53501/P/07 Rev I and 53501/P/08 Rev B.
 - 3) The side dormer window on the north-west elevation hereby permitted shall be fitted with obscured glazing, and no part of that window 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.

Main Issue

2. The main issue of the appeal is effect of the development on the character and appearance of the area.

Reasons

3. The appeal proposal involves various alterations and extensions to the dwelling, all of which the Council has found to be acceptable, except for the dormer proposed for the side elevation on the north-west elevation. The dormer would

provide additional space for a staircase that would facilitate a loft conversion and the creation of a fifth bedroom.

4. The Council's delegated report states that the side dormer would comply with the Supplementary Planning Document 2 – Residential Extensions and Alterations (2018) ('SPD') in terms of it being set down from the ridge line and set back from the eaves by appropriate distances and I have no reason to disagree with this assessment. However, the Council clarifies the basis for refusing planning permission is that Amery Road does not contain dwellings with side dormers and the development would, as a result, be at odds with the character and appearance of the area.
5. The appellant has provided photographs of two other dwellings on Amery Road featuring side dormer windows, which I was able to corroborate on my site visit, in addition to observing other dwellings on surrounding streets that also feature side dormers. Therefore, I disagree with the Council that side dormers would be contrary to the character and appearance of the area. The fact the dormer would be visible within the street scene is not in itself harmful to its character and appearance, particularly when the Council agrees it meets the relevant criteria within the SPD and this development is a regular feature in the locality.
6. It has been demonstrated the dormer complies with the SPD and to my mind this means it is acceptable in terms of its scale, materials, detailing and design. Consequently, the character and appearance of the area will not be harmed and the development is compliant with Policies DMP1 and BD1 of the Local Plan.

Conditions

7. The Council stated if the development was permitted a condition ensuring the fenestration on the side dormer window is obscure glazed would have been required. I agree this is necessary to safeguard the privacy of the occupants of the neighbouring properties to the north-west of the appeal site. A condition to this effect has been included in addition to the statutory conditions ensuring the development is carried out within three years of the date of this decision and in accordance with the approved plans.

Conclusion

8. For the reasons given above, I conclude the appeal proposal is compliant with the development plan and the appeal should be allowed, subject to the conditions set out above.

J N Seymour

INSPECTOR