



---

## Appeal Decision

Site visit made on 13 May 2024

**by Chris Couper BA (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>TH</sup> May 2024**

---

**Appeal Ref: APP/T5150/D/24/3338312**  
**20 Alington Crescent, London NW9 8JN**

- 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 Surrinder Chita against the decision of the Council of the London Borough of Brent.
  - The application Ref 23/3577, dated 11 November 2023, was refused by notice dated 8 January 2024.
  - The development proposed is the conversion of a garage into habitable use, and a first floor side and part of first floor extension, and a rear extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the conversion of a garage into habitable use, and a first floor side and part of first floor extension, and a rear extension, at 20 Alington Crescent, London NW9 8JN in accordance with the terms of the application, Ref 23/3577, dated 11 November 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin not 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: TQRQM21200085737050, DRW-01 and 02.
  - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.

### Main Issues

2. The main issues are the effect of the proposal on:
  - the living conditions of the adjacent occupiers, with particular regard to the outlook from, and the availability of natural light to, 22 Alington Crescent; and
  - the character and appearance of the host property and the area.

### Reasons

#### *Living conditions*

3. The Council states that, in order to comply with the advice in its Residential Extensions and Alterations Supplementary Planning Document No 2 (2018) ('SPD'), at around 3.3 metres deep the proposed first floor extension should be

- 6.6 metres from the nearest first floor habitable room windows in neighbouring properties. It states that the distance here would be just 5.8 metres to the centre of the nearest habitable room window in the other half of this semi-detached pair at 22 Alington Crescent ('No 22'), contrary to that guidance.
4. As illustrated on drawing No. DRW-01, the proposed first floor rear extension would project a similar distance to the rear compared to No 22's own two storey rear extension. It would not therefore be visible from its rear windows.
  5. It would also be set well away from the common boundary with No 22, and its roof would be set down from the host's principal roofline. Consequently, in views from the first floor rear window in the original part of No 22, it would have a limited bulk and it would be off-set well to one side, such that it would not have a significant overbearing impact, or cause a harmfully adverse effect on the outlook from that room.
  6. For similar reasons, and on the basis of the available evidence, it would not result in a significant loss of light within that room. Thus, whilst there may be a slight conflict with the advice in the SPD, the scheme would not have a harmfully detrimental impact on those occupiers' living conditions.
  7. The proposal would not therefore conflict with that part of Policy DMP1 of the Brent Local Plan 2019 - 2041 (2022) ('BLP') which requires development to provide high levels of internal and external amenity, having regard to its impact on neighbouring occupiers, including matters such as outlook and daylight.

#### *Character and appearance*

8. The front face of the proposed first floor extension would be set well back from the host's principal elevation, and its ridge would be set well down, thus achieving a significant degree of subordinacy. In terms of their form and proportions, the proposed ground floor and first floor rear extensions would broadly mirror those at No 22, thus returning some balance to this semi-detached pair.
9. To the other side, I observed that No 18 also has a two storey side extension which projects beyond the original rear face of that property and finishes with a similarly hipped roof; along with a full width flat-roofed rear extension.
10. The proposed first floor rear extension would be set down from the host's ridge, and whilst it would be marginally deeper than the 3 metre maximum advised in the SPD, considered as a whole, and in the context of its surroundings, the scheme would not appear out of place, and it would not harm the character and appearance of the host property or the area.
11. The scheme would not therefore conflict with that part of BLP Policy DMP1 which requires development to complement the locality, having regard to matters including its siting, scale, detailing and design.

#### **Conditions and Conclusion**

12. I have found that the proposal would not harmfully affect the living conditions of the adjacent occupiers, and that it would not have an adverse impact on the character and appearance of the host property or the area. The appeal will therefore be allowed.

13. Turning to the matter of conditions, and having regard to the tests in the National Planning Policy Framework, as well as the standard time limit for commencement, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans. Finally, in the interests of good design, I have attached a matching materials condition.
14. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

*Chris Couper*

INSPECTOR