

Appeal Decision

Site visit made on 9 May 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Ref: APP/T5150/D/24/3341770

192 Lyon Park Avenue, Wembley HA0 4HG

- 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 Emerald Foster against the decision of the Council of the London Borough of Brent.
 - The application, Ref. 23/3563, dated 12 November 2023 was refused by notice dated 2 February 2024.
 - The development proposed is a double storey side extension built above an existing ground floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions for the occupiers of No. 194a Lyon Park Avenue as regards outlook and light.

Reasons

3. I saw on my visit that the appeal dwelling is a two-storey end of terrace dwelling with a north east/south west orientation. The neighbouring property to the south, No. 194a, is at the northern end of another terrace and is on an east /west axis as it follows the bend in the road. No. 194a has a particularly small triangular rear garden and given its cramped relationship with No. 192 and the suffix 'a' in the address it seems likely that the property was originally built as an extension to the dwelling and was subsequently severed to form a separate residential unit.
 4. Be that as it may, the effect of the angular relationship and the close proximity between the two dwellings is that the rear windows and doors of No. 194a have most of their outlook towards the rear part of the south eastern single storey flank of No. 192. And given the very limited distance between the ends of the respective terraces, this outlook is already in part compromised by the extent to which the existing single storey element of No. 192 overlaps the rear of No. 194a.
 5. The appeal scheme is a revision of an earlier application which has now addressed the Council's concerns as to the effect of the first floor addition on the appearance of the host dwelling. However, I consider that the Council is
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correct to continue to have significant reservations as to the impact of a first floor extension so close to the rear windows of No. 194a and its very small back garden. In my assessment this effect would be such as to result in a significant reduction in the already limited outlook and an associated perception of undue enclosure.

6. As regards light, the application includes a 3D modelling of the two dwellings which the appellant considers demonstrates there would not be an adverse effect in this regard. The plans do not follow the standard assessment for daylight and sunlight as recommended by the Building Research Establishment for development proposals and additionally lack interpretative annotations that would fully explain the appellant's arguments. Nonetheless, as No. 194a lies due south of the appeal dwelling I consider it unlikely that its rear windows and garden would be significantly affected by loss of sunlight.
7. However, this favourable finding for the appellant does not outweigh the effect on the neighbour's living conditions as regards outlook and enclosure which I consider would be unacceptably harmful and in conflict with Policy DMP1 of the Brent Local Plan (2019-2041); the Council's Supplementary Planning Document 2 (2018), and Government policy in paragraph 135f) of the National Planning Policy Framework as amended in December 2023. I have taken account of the absence of any objection from the current occupiers of No. 194a, but this does not outweigh the fact that the system of planning control seeks to ensure a satisfactory relationship between neighbouring dwellings including living conditions for their occupiers as being in the public interest.
8. For the reasons explained above the appeal is dismissed.

Martin Andrews

INSPECTOR