

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: 24th May 2024

Appeal Ref: APP/T5150/D/24/3339531

29 Coniston Gardens, Wembley HA9 8SE

- 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 Mrs Jyoti Bhudia against the decision of the Council of the London Borough of Brent.
 - The application, Ref. 23/2884, dated 3 September 2023 was refused by notice dated 4 December 2023.
 - The development proposed is a single storey rear extension with balcony and front porch with single storey front/side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension with balcony and front porch with single storey front/side extension at 29 Coniston Gardens, Wembley in accordance with the terms of the application, Ref. 23/2884, dated 4 December 2023 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: OS based Location Plan; Drawing Nos. A101 & A102;
 - 4) The proposed balcony shall include side screens in accordance with the details first submitted to and approved in writing by the Local Planning Authority.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the host dwelling and its surroundings and (ii) the effect on the living conditions for the occupiers of No. 31 Coniston Gardens as regards outlook and light.
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Reasons

Character and Appearance

3. On the first issue, the appeal proposal includes an extension that would infill a recessed area of 0.9m depth and 4.5m width that currently accommodates the front door and garage undercroft. In the Council's view this would be of an inappropriate design and scale and fail to respect the architectural integrity of the building, contrary to adopted design guidance.
4. I recognise that the existing recessed area is a positive feature of the dwelling. However, the officer's report acknowledges that there are other properties in the road that have had a similar extension and photographs of a number of them are included in the grounds of appeal.
5. In comparison to these examples, the modestly sized element of flush finish proposed is both subtle and discreet, whilst the retention of the hipped and mono pitched roof areas to continue the visual link to the unaltered upper front elevation would ensure that the eye is not drawn to the alterations and perceived negatively. I have also taken account of my finding that there is considerable variety of house designs in the street scene and that there is no single feature of sufficient predominance that establishes a rhythm which precludes sympathetic alterations and additions.
6. The Council's objection on this issue also includes the view that the first floor balcony to be constructed on the roof of a ground floor rear extension would replace the existing conservatory would harm the character and appearance of the dwelling and the surrounding rear gardens of neighbouring properties.
7. The grounds of appeal include a photograph of a balcony on the flat roof of a ground floor extension to a nearby dwelling. However, the more salient point is that with dimensions of just 1.5m (depth) and 2.5m (width) in the centre of the rear elevation, the proposed balcony would not be of a size to have the impact that the Council fears.
8. On this issue I conclude that the appeal proposal would have no adverse effect on the character and appearance of the host dwelling and its surroundings and accordingly there would be no harmful conflict with Policies DMP1 & BD1 of Brent's Local Plan (2019-2041) ('the Local Plan') and the Council's Supplementary Planning Document 2 (2018) ('SPD 2').

Living Conditions for the occupiers of No. 31 Coniston Gardens

9. On this issue the Council considers that the proposed ground floor rear extension would result in a loss of outlook and light for the neighbouring house on the north east side of the appeal dwelling. This is essentially because the extension's 4m depth would be a metre more than the 3m allowed under the Council's SPD 2. The conservatory to be demolished has a depth of 3m and an eaves height of 2.6m.
10. The height of the proposed flat roof addition at 2.95m would comply with the 3m maximum in SPD2 but the additional 1m depth above the limit in the guidance is the reason for the refusal of permission on this issue. However, the rear garden drops down from the dwelling by 1m and unlike the conservatory the drawings illustrate that the extension would have its interior floor at this

lower level. This is confirmed in the grounds of appeal and I consider that for the most part this would offset the enclosure effect of the building's additional metre length.

11. Furthermore the outlook and light for the rear of No. 31 is presently restricted by dense evergreen vegetation on that property's side of the fence extending to a height greater than 3m. Taking this and the absence of any objection from the occupiers of the neighbouring property into account I conclude that the non-compliance with SPD 2 would in this instance not result in an unacceptable effect on their living conditions by reason of loss of outlook and light. Accordingly there would be no harmful conflict with Local Plan Policy DMP1.

Other Matter

12. As regards overlooking from the proposed balcony, the officer's report acknowledges that the distance to No. 19 Derwent Gardens is too great for there to be a loss of privacy. The grounds of appeal illustrate side screens for the balcony and their provision can be the subject of a condition to ensure that the neighbours at Nos. 27 & 31 are not overlooked.

Conclusion

13. For the reasons explained above I shall allow the appeal. In addition to the aforementioned condition, a condition requiring matching materials will safeguard the appearance of the dwelling. Finally, a condition stipulating that the development is carried out in accordance with the approved plans is needed for certainty and is in the interests of proper planning.

Martin Andrews

INSPECTOR