



Appeal Decision

Site visit made on 21 June 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2024

Appeal Ref: APP/T5150/D/24/3341595

3 Thurlby Road, Wembley, Brent HA0 4RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Sangeetha Sukumar against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/3756.
 - The development proposed is described as an 'erected single storey rear extension (retrospective planning)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The extension the subject of the appeal is already in place although, at the time of my visit, its walls were not finished with facing materials.
3. However, as pointed out by the Council and by interested parties, there are differences between the submitted drawings of the extension and the development as built. In particular, I observed that the extension as built is set in slightly from the boundary with 1 Thurlby Road and that it has windows on that side. Additionally, its roof is pitched at a slight angle rather than being flat as depicted. Notwithstanding those discrepancies, given that the application is described as retrospective on the application form and the consultation letters, I have considered the development as built.

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions at 1 Thurlby Road ('No 1') and at 5a Thurlby Road ('No 5a'), with particular regard to outlook and the availability of natural light; and
 - the character and appearance of the host property.

Reasons

Living conditions

5. No 5a has a rear facing ground floor window, which is set in only very slightly from the boundary with 3 Thurlby Road ('No 3'), and which I understand serves a kitchen. I observed on my visit that the outlook from there is constrained to

the right by that property's own two storey outrigger, and by an external staircase to the front, although as those stairs are open-backed their impact is more limited.

6. Unlike the pre-existing development at No 3, the extension the subject of this appeal abuts the boundary with No 5a and, at 6 metres long, it is considerably deeper. It is also taller than a typical boundary fence, and as a result, the outlook from that room, which was already constrained, has become more enclosed and 'tunnelled'.
7. However, of greater concern, the development includes large windows, with top-hung openings, which are positioned on the boundary with No 5a. From those windows, which serve a utility area, there is a direct outlook straight into the adjacent property's outdoor space immediately next to its outrigger, to the significant detriment of those occupiers' privacy.
8. Whilst the appellant maintains that a fence could be erected here, I have no such details before me, and given that the extension's side wall appears to be located on the boundary, I am not satisfied from the available information that there is room for it to be erected on land within the appellant's control.
9. Whilst I have very little evidence to properly assess the scheme's impact on the availability of natural light at No 5a, for the above reasons the development has significantly harmed their living conditions.
10. Turning to No 1, it has a glazed door and windows at ground floor close to the boundary with No 3. However, they are located on the rear wall of an extension and are thus further towards the rear of that property compared to the window at No 5a. Additionally, on this side, the extension as built at No 3 is set in slightly from the boundary, and the aspect from those glazed areas at No 1 is largely unconstrained to the left.
11. Thus, whilst the development is clearly visible above the boundary wall from the rear face of No 1, and from its adjacent amenity space, it has not had a harmful overbearing affect; and from the available evidence, I am not persuaded that it has resulted in a significant loss of natural light.
12. However, there is a set of four windows in this side wall of the extension, two of which are side-opening. Whilst they are set in slightly from the boundary, having regard to No 3's finished floor level, there is a direct outlook from them over the party wall to No 1's adjacent outdoor amenity area. As that area lies immediately next to that property's rear elevation, which includes an external door, it is likely to be a well-used part of their garden, where the occupants could reasonably expect a significant degree of privacy. The scheme as built has therefore caused significant harm to the living conditions at No 1 as a result of overlooking and a loss of privacy.
13. The appellant suggests that a condition could be imposed requiring that the side windows are obscurely glazed. However, given their size and their location, there would still be a significant perception of overlooking, along with ongoing privacy issues as a result of the windows' openings.
14. The scheme is taller than the 2 metre maximum advised for side return extensions in the Brent Residential Extensions and Alterations Supplementary Planning Document No 2 (2018) ('SPD'), and deeper than the generally

recommended 3 metres from the principal rear elevation. It therefore fails to accord with the guidance in the SPD.

15. It also conflicts 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 privacy and outlook.

Character and appearance

16. The Council's reason for refusal also alleges that the extension is faced with inappropriate materials. However, its walls had not been finished at the time of my visit, and I agree with the appellant that the use of render to match the host would be appropriate.
17. Turning to its roof, this has been finished with corrugated plastic. Although this may be a low maintenance, lightweight, and long-lasting material, I am not persuaded that it is typical of the area, where tiles or black roofing felt predominate. The use of corrugated plastic does, in my view, give the extension a rather temporary appearance, which is at odds with the character and appearance of the host property. That said, given that public and private views of it are limited, this attracts only very modest weight in my decision.
18. On this issue, there is therefore a slight conflict with that part of BLP Policy DMP1 which requires development to complement the locality with regards to matters including the appropriate use of materials.

Other matters

19. I am told that the extension provides much needed family living space and that it enables the appellant to care for her parents. However, I have limited information on this matter, and no evidence that this development is the only way in which that private benefit could be achieved.

Conclusion

20. For the above reasons, the extension as built has had a significant harmful impact on adjacent occupiers' living conditions, and its roof is faced with an inappropriate material to the limited detriment of the building's character and appearance. The scheme's private benefits do not outweigh the combined harms that it causes. It is thus contrary to the development plan, and having regard to all other matters raised, including representations by interested parties, the appeal is therefore dismissed.

Chris Couper

INSPECTOR