



Appeal Decision

Site visit made on 10 June 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/T5150/W/24/3336695

10 Mordaunt Road, Brent, London NW10 8NU

- 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 Mr Al-Suraifi against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/2372.
 - The development proposed is replacement of existing shop front with new glass shopfront, installation of a folding canopy and single storey rear extension.
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Decision

1. The appeal is dismissed insofar as it relates to the single storey rear extension. The appeal is allowed insofar as it relates to the replacement of the existing shop front with new glass shopfront and installation of a folding canopy at 10 Mordaunt Road, Brent, London NW10 8NU in accordance with the terms of the application, Ref 23/2372, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans M1-01, M1-03, M1-05, M1-06, M1-07, M1-09, Location Plan in so far as relevant to those parts of the development hereby permitted.
 - 3) 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.

Preliminary Matters

2. The proposed single storey rear extension is clearly severable from the replacement shop front with new glass shopfront and installation of a folding canopy, as it is physically and functionally independent. Therefore, under section 79(1)(b) of the Town and Country Planning Act 1990 (as amended), I have the power to issue a split decision in this case.
3. The National Planning Policy Framework (the Framework) was revised in December 2023 after the Council's decision and the submission of the appeal. The revisions to the Framework do not alter the parts therein upon which this appeal turns, so I have had regard to its content, and I am satisfied that this has not prejudiced any party.

Main Issue

4. The main issue is the effect of the proposed single storey rear extension on the living conditions of the occupiers of 12A Mordaunt Road with regard to outlook and light.

Reasons

5. The appeal site comprises a laundrette on the ground floor and residential accommodation above, however the laundrette was not in operation when I visited. The property is located at the end of a small parade of shops which adjoins a terrace of two-storey dwellings. The area is predominantly residential, and the site backs onto the rear garden of flats in Milton Avenue.
6. The neighbouring property at 8 Mordaunt Road (No 8) is a hot food takeaway with a single storey rear extension which occupies the majority of the rear garden. The other neighbouring property at 12 Mordaunt Road (No 12) is a dwelling with a residential flat on the ground (No 12A) and a flat on the first floor.
7. The proposal would involve the demolition of an existing small single storey rear extension and the erection of a new single storey extension which would wrap around an existing rear addition. The proposed extension would occupy the full width of the plot and extend almost to the end of the garden leaving only a small yard area between the extension and the boundary fence to the rear.
8. The proposal would result in a substantial block of development that would be considerably higher than the existing boundary fence and almost as deep as the entire garden being sited close to the boundary of No 12A. No 12A has rear facing windows serving habitable rooms close to the boundary. Despite its flat roof and matching materials, given the height and depth of the extension, it would unacceptably dominate the outlook from the rear facing windows of No 12A, creating an increased sense of enclosure. This would also result in overshadowing to the property and thereby loss of light to it.
9. My attention has been pointed to other commercial properties in the parade having larger single storey rear extensions. However, none of these are next to a property with residential accommodation on the ground floor, so their impact is materially different. It has also been highlighted that the proposal would be in keeping with its commercial surroundings. While the site is located in a small parade of commercial units, residential dwellings form the predominant use in Mordaunt Road. and the urban grain of the area ensures the occupiers thereof are able to enjoy good levels of outlook. The fenestration siting on the proposed extension would also not change the effect the proposal would have on No 12A.
10. I therefore conclude that the proposed single storey rear extension would have an adverse effect on the living conditions of the occupants of 12A Mordaunt Road with particular regard to outlook and light. Hence, it would conflict with Policy DMP1 of the Brent Local Plan 2019-2041 (BLP) which seeks to ensure, amongst other matters, that the siting, layout, scale, detailing and design of development provides high levels of amenity and complements the locality. It would also conflict with the design objectives of the Framework.

Other Matters

11. The new shopfront would be similar to the existing shopfront and the new folding canopy would be retractable and integrated into the shopfront. Due to the relatively minor scale of these proposals, they would not harm the character and appearance of the area. The Council has raised no objections to the proposed new shopfront and folding canopy. In these respects, the proposal would comply with the objectives of Policy BD1 of the BLP which seek to achieve high quality design and the guidance in the Brent Shopfronts Supplementary Planning Document (2018) with regard to canopies. A split decision in relation to these elements of the proposal would therefore be a logical outcome.
12. In reference to the Framework¹, the appellant suggests that the assessment of the proposal should be based on whether any adverse impacts would significantly and demonstrably outweigh the benefits of the proposed development. However, this section of the Framework relates to where there are no relevant development plan policies, or where the policies which are most important for determining the application are out-of-date. The Council has an up-to-date development plan in the form of the BLP which was adopted in February 2022. The presumption in favour of sustainable development means approving development proposals that accord with the BLP, and I have found that the proposed rear extension would not.
13. While the Framework promotes the effective use of land, it also requires development to safeguard and improve the environment and ensure safe and healthy living conditions.

Conditions

14. Having regard to the Council's suggested conditions, the Framework and Planning Practice Guidance, I consider it is necessary, in the interests of clarity and visual amenity, to impose a materials condition, and conditions requiring the development to be carried out in accordance with the approved drawings and a standard time condition. Based on my findings regarding the shopfront, it is unnecessary for further details of the canopy to be secured by condition.

Conclusion

15. The appeal is dismissed in respect of the single storey rear extension. However, I allow the appeal in respect of the replacement of the existing shopfront with new glass shopfront and installation of a folding canopy.

U P Han

INSPECTOR

¹ Paragraph 11.d.