



Appeal Decision

Site visit made on 17 July 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Appeal Ref: APP/T5150/D/24/3339101
50 Tunley Road, Brent, London NW10 9JS

- 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 John Desmond Devine against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/3645.
 - The development proposed is the provision of a window to the front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of a window to the front elevation at 50 Tunley Road, Brent, London NW10 9JS in accordance with the terms of the application, Ref 23/3645, 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: Location Plan; 317/2A and 317/4A.
 - 3) The window hereby permitted hereby permitted shall fitted with Pilkington Optifloat Opal frosted glass, and no part of the window that is less than 1.7 metres above the floor of the property in which it is installed shall be capable of being opened. Once installed the obscured glazing and height of the openings above the floor level of the property shall be retained thereafter.

Procedural Matter

2. The appellant has questioned whether the erection of the proposed window requires planning permission. However, I am required to determine this appeal based upon the scheme which is before me to assess. Whether planning permission is, or is not, required is not a matter for me to determine.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the living standards of the occupiers of appeal property.

Reasons

4. The appeal property is a former outbuilding which is lawfully being used as a dwelling house. Currently, the only means of daylight reaching the living area

is an obscured glazed window which faces towards the rear garden of 10 Glynfield Road, 2 high level rooflights and some small areas of glazing within the front door.

5. The proposed development comprises the erection of a window within the front elevation of the property which abuts the footway along the east side of Tunley Road. The occupier of the property supports the appeal scheme. However, others may occupy the property in the future and may not be as supportive. As such, the current occupier's support is given limited weight in the determination of this appeal
6. Although it would be obscure glazed, the proposed opening would improve the levels of daylight received within the property's living area. This would be a material improvement to the living conditions of the current and any future occupiers and is given significant weight in the determination of this appeal.
7. From what was observed during the site visit, there is a pedestrian route from Glynfield Road along Tunley Road towards Craven Road where there are shops and bus services. However, the observations during the site visit were that the majority of people did not walk along the footway adjacent to the property. Instead, most people crossed the road to the north of the property close to the road junction.
8. Although a few pedestrians continued to walk along the footway, the intention is that the proposed window would be obscure glazed up to a height of 1.7 metres above the level of the footway. Full obscure glazing of the proposed window could be secured by a condition if this appeal succeeds. Such obscured glazing, plus a limitation of the height of any openings above floor level of the dwelling, would maintain the privacy of the occupiers of the property by preventing people from being able to have a clear view into the living area. This contrasts with other dwellings within the surrounding area whereby there are examples of clear glazed windows within side elevations abutting, or being sited very close, footways where there are views for pedestrians into habitable rooms.
9. The Planning Officer's report refers to potential noise and disturbance associated with the proposed development. However, in addition to observing the pedestrian flows, this part of Tunley Road did not experience a high number of traffic movements and there are controls on parking along the east side of the carriageway adjacent to the property. Further, the front door already fronts the road and, as such, any potential increase in noise associated with the proposed window would not be so significant so as to justify this appeal failing. This is especially the case whereby the proposed window would represent a significant benefit for the occupier in terms of improved levels of daylight reaching the living area. Such a benefit outweighs any potential harm which might arise from additional noise and disturbance.
10. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the living standards of the occupiers of the appeal property, in particular by reason of loss of privacy, and, as such, it would not conflict with Policy DMP1 of the Brent Local Plan. Amongst other matters, this policy requires development to provide a high level of internal and external amenity and not to increase exposure to noise.

Conditions

11. The council has suggested conditions in the event that this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework. For reasons of clarity, it is necessary to include a list of the approved drawings. A condition requiring the proposed development to match the existing external materials is unnecessary because the choice of materials is specified on the planning application form as being a uPVC framed window.
12. As identified, a condition is necessary to secure the erection of the window with obscured glazing and a limitation concerning the height above floor level of the dwelling for any openings. The type of obscure glazing is specified by the appellant as Pilkington Optifloat Opal frosted glass in the appellant's evidence and is adopted for reasons of precision.
13. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR