



Appeal Decision

Site visit made on 16 September 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2024

Appeal Ref: APP/T5150/D/24/3347216

2 Berkeley Road, Brent, London NW9 9DG

- 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 Feroze Nisar against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0156.
 - The development proposed is the part demolition/reduction of an outbuilding; and a ground floor infill extension to sit between the existing rear extension and the side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the part demolition/reduction of an outbuilding; and a ground floor infill extension to sit between the existing rear extension and the side extension at 2 Berkeley Road, Brent, London NW9 9DG in accordance with the terms of the application, Ref 24/0156, 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: OS location plan at 1:1250 scale, and drawing nos 2024-Berkeley-01, 2024-Berkeley-02, 2024-Berkeley-03 and 2024-Berkeley-04.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions of neighbouring occupiers, with particular regard to the outlook from, and availability of natural light to, 2 The Paddock; and
 - the character and appearance of the host property and the area.

Reasons

Living conditions

3. The proposal would largely infill a small space to the rear of the host property between an existing flat-roofed single storey rear projection, and a flat-roofed outbuilding, which would be slightly reduced in length.

4. Although the scheme's side wall would abut the boundary to the courtyard at 2 The Paddock ('No 2'), its flat roof would have a modest height, which would match the existing single storey rear projection. The courtyard at No 2 is reasonably wide, but fairly enclosed. Consequently, having regard to the cumulative impact of development at the host property, largely infilling the short gap along this part of the boundary would not make a significant difference to the outlook from, or enjoyment of, that space.
5. The nearest rear-facing windows at No 2 are set well in from this boundary and there is a passageway down the side of that property. Consequently, whilst the proposal's side wall would be visible from those windows, given its modest proportions and that it would be off-set well to one side, the principal outlook from them into that property's courtyard would not be significantly impacted. Having regard to the sun's trajectory, and the extension's siting and its modest proportions, the scheme would not give rise to a significant loss of natural light at No 2.
6. I have very few details of a dismissed enforcement appeal at this property (Ref: APP/T5150/C/20/3256667), including 'Plan A' to which the enforcement notice referred. However, I understand that it required, amongst other things, the demolition of a rear infill extension that previously occupied this space.
7. In a subsequent planning appeal (Ref: APP/T5150/D/23/3320754) an Inspector found that the removal of the infill extension would create a gap on the boundary between the outbuilding and the dwelling, which would provide a clear separation and a degree of openness viewed from the adjacent property. That observation was made in the context of the retention of the outbuilding, but given that an infill extension was not proposed, the Inspector did not comment on its acceptability.
8. Finally, in reaching my conclusion, I have also had regard to the appellant's case that a 2 metre high boundary fence could be erected in this location under permitted development rights. As illustrated by the drawing at paragraph 5.24 of his statement, compared to that potential development, the additional area created by this proposal would be modest.
9. For these reasons, the scheme would not harmfully impact the living conditions at No 2. It would not therefore conflict with that part of Brent Local Plan 2019 - 2041 (2022) ('BLP') Policy DMP1 which requires development to provide high levels of internal and external amenity, having regard to matters such as the spaces between buildings, outlook, daylighting, shadowing and outdoor space.
10. Taken together with existing development on the site, the proposal would exceed the depth normally considered acceptable by the Brent Residential Extensions and Alterations Supplementary Planning Document No 2 (2018) ('SPD'). However, whilst the Council asserts that its height would conflict with the SPD's advice, it would comply with the 3 metre maximum for a flat roof on a boundary as advised at page 8; and it would not conflict with its stance that extensions should not have a significant impact on light in a neighbour's home.

Character and appearance

11. The proposed extension would be located to the rear of the property, between existing structures, where it would be barely discernible in the streetscene. Even in limited private views from No 2, its modest proportions would be seen

in the context of existing structures, whose height and form it would respect; and it would also be faced in matching materials.

12. Thus, although it would infill a small gap, its visual impact would be very limited, and, having regard to cumulative impacts, it would not harm the character and appearance of the host property or the area.
13. The scheme would not therefore conflict with BLP Policy DMP1's stance that development should complement the locality, having regard to issues such as siting, layout, materials, detailing and design. Neither would it conflict with the SPD's stance that extensions should respect the character and size of the existing house.

Conditions and Conclusion

14. Turning to the matter of conditions, I have imposed the standard time limit and, in the interests of certainty, a requirement that the development be carried out in accordance with the approved plans. Finally, in the interests of good design and the character and appearance of the host and the area, a matching materials condition is necessary.
15. Summing up, the scheme would not harmfully impact the living conditions at 2 The Paddock, and it would not harm the character and appearance of the host or the area. Having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR