



Appeal Decision

Site visit made on 3 September 2024 by E Street BSc (Hons)

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/T5150/D/24/3345251

46 Linden Avenue, Wembley, Brent HA9 8BD

- 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 Dr Yasmin Kader against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0027.
 - The development proposed is described as “proposed single storey rear extension and hard landscaping to rear of ground floor flat”.
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Decision

1. The appeal is allowed, and planning permission is granted for development described as “proposed single storey rear extension and hard landscaping to rear of ground floor flat” at 46 Linden Avenue, Wembley, Brent HA9 8BD in accordance with the terms of the application, Ref 24/0027, 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: PL-105, PL-106, PL-107, PL-108, PL-109, PL-101

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter and Main Issue

3. The Council refer explicitly to the effect of the proposals on the living conditions of the occupiers of No 48 Linden Avenue, although their evidence and decision notice alludes to an unacceptable effect on adjoining neighbours/occupiers as a plural. I have therefore assessed the scheme in regard to its effect on the occupiers of Nos 44 and 48 Linden Avenue, with specific regard to outlook. This has formed the main issue.

Reasons for the Recommendation

4. The appeal building is one of a row of terraced dwellings. They are on a hill, sloping downwards to the west. No 48 is therefore on a higher level. Consequently, and from the occupiers’ point of view, the proposal would sit below existing boundary treatments. I am therefore satisfied that the

occupiers' outlook, in terms of their use of the garden space and views out of the ground floor rear windows, would not be unacceptably compromised. I.e. the existing situation would not materially change.

5. Some of the extension would sit between an outrigger to the appeal building and a similar high wall projecting from the rear of No 44. The full effect of the extension's projection would not therefore be felt, in actual fact less than half. The remaining extent beyond the furthest rear wall of No 44 would be relatively low rise, even taking into account the lower ground levels in No 44's rear garden, due to the use of a flat roof and the treatment along the shared boundary. There would be views of the extension from the ground floor rear elevation of No 44 but due to the overall limited projection of it relative thereto, such would be oblique. The garden to No 44 is otherwise unincumbered in its rearward aspect. With this and the above in mind, the appeal scheme would not harmfully affect the outlook of the occupiers of No 44. Resultantly, it would comply with Policy DMP1 of the Brent Local Plan 2019-2041 (2022) which, amongst other things, seeks to ensure that the living conditions of the occupiers of properties are protected.

Other Matter

6. The Council allege that the scheme would conflict with the Residential Extensions and Alterations Supplementary Planning Document (SPD) in regard to a lack of set in and how far it would project. Be this as it may, and for the above reasons, it would not give rise to harm because of it being so. Conflict with an SPD is not the same as conflict with the development plan. With which the scheme would comply for the reasons I have set out. They have also alluded to the effect of the proposal on the character and appearance of the area. However, this doesn't translate to a reason for refusal and their evidence doesn't expand. The appellant has not responded. I have therefore taken it that the design or appearance of the scheme is not a contentious matter.

Conditions

7. I have set out the standard time limit condition and referred to the approved plans for enforcement purposes. These show the materials which would be suitable so there is no need for a further condition. A condition limiting access to the roof would not be necessary since a separate permission would be required to use it as a balcony.

Conclusion and Recommendation

8. The appeal scheme would comply with the development plan. I therefore recommend it be allowed, subject to the conditions set out.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and planning permission is granted, subject to the conditions set out above.

John Morrison INSPECTOR