



Appeal Decision

Site visit made on 12 November 2024

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2024

Appeal Ref: APP/T5150/D/24/3351309

7 Egerton Gardens, LONDON, NW10 3LE

- 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 AMA Build Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/1208.
 - The development proposed is demolition of existing garage and proposed part single part two-storey side-to-rear extension, alterations to rear fenestration and alterations to front garden layout to include car parking, refuse space and replacement of boundary fence to dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed design on the character and appearance of the area; and
 - the effect of the proposal on the character and appearance of the area with particular regard to trees; and
 - whether or not the proposal would provide satisfactory parking provision with particular regard to relevant adopted local planning policies.

Reasons

3. The appeal property is a two-storey semi-detached dwelling which occupies a corner plot towards the end of Egerton Gardens. Egerton Gardens is a cul-de-sac which hosts a number of similarly designed pairs of semi-detached houses. A small lane at the end of the cul-de-sac provides access to Chamberlayne Road beyond. The rear of several properties which front Chamberlayne Road are visible adjacent to the appeal property at the end of Egerton gardens.
4. The appeal proposal is for the demolition of the existing garage and proposed part single, part two storey front/side extension, alterations to rear fenestration and alterations to front garden layout to include car parking, refuse space and replacement of the boundary fence.

Design

5. The appeal property is set back from the road behind a front garden area. An existing single storey garage is located to the side of the property. The garage is set-in from the side boundary of the plot but sits forward of the main front elevation of the dwelling. A double storey bay window with a central tiled feature topped by a roof which notably overhangs the window is a prominent feature of the front elevation of the dwelling. This feature is prevalent amongst properties in the area.
6. Properties within the area have been altered with other examples of extensions visible at the time of my site visit and the design and scale of properties within the area are, indeed, varied.
7. The existing garage would be demolished as part of the proposal. The garage would be replaced by a part single, part two, storey side and rear extension which would wrap around the host dwelling. The proposal also includes the removal of a double storey rear bay window and a first-floor side extension.
8. A flat-roofed single storey side extension would run along the side boundary of the plot and would extend around 3.5m beyond the existing rear elevation. This element would have a height of around 2.5m. A further flat-roofed single storey rear extension, covering approximately the full width of the original dwelling, would extend around 5m from the rear elevation at a height of around 3m. Due to the height discrepancy the overall single storey extension would appear as two separate elements rather than as one unified addition to the building.
9. The single storey extensions would be large and their flat-roofed design would result in them appearing as bulky and box-like projections. This would be exacerbated by the removal of the existing rear bay window which adds articulation and visual interest to the rear of the property.
10. The first-floor side extension would be set in from the side boundary by around 1m. It would follow the eaves line of the host building but would be set down from the main ridge creating a small crown roof to the front of the property.
11. The proposed extensions would, cumulatively, appear as a number of distinct sections which would not sit comfortably together. The proposal would appear as a piecemeal combination of separate elements of the overall property which would visually compete with one another and would not appear as a cohesively designed building. The roof form which would result from the proposal would appear discordant and would not sit comfortably with the host dwelling.
12. Furthermore, taken together, the proposed extensions would represent an excessively large addition which, despite being set-down and set-in, would have the effect of overwhelming the original property. The proposal would appear as an unsympathetic and dominant addition which would fail to respect the scale and proportions of the host dwelling.
13. I note that the proposed alterations would sit in-line with the existing building line at the front of the property and that all external works would be completed in matching materials. These considerations would not, however, be sufficient to mitigate the harm I have identified.

14. For these reasons, I consider that the proposal would cause harm to the character and appearance of the host property and the wider area. The proposal would, therefore fail to comply with the aims of Policy DMP1 of the London Borough of Brent Local Plan 2019-2041, adopted February 2022 (LP) which amongst other things sets out that development should have detailing, and be of a scale and design, that complements the locality.
15. I note that in some respects the design of the proposal would accord with guidance set out within the Brent Residential Extensions and Alterations Supplementary Planning Document, 2018 (SPD 2). However, this SPD also states that extensions should be of a size, shape and height that complement rather than dominate the existing dwelling. In this respect the proposed development would fail to meet the expectations of this guidance.

Trees

16. A number of trees and shrubs are present in the vicinity of the appeal site. At the time of the Council's decision the appellant had not submitted detailed arboricultural information regarding the potential impact of the proposal upon these trees. However, during the course of the appeal an arboricultural report¹ was provided.
17. The arboricultural report sets out that within the curtilage of the site one retention category B tree, nine retention category C and one retention category U tree were identified. The report also identifies five retention category C trees and one retention category U tree beyond the curtilage of the site. The report states that eleven retention category C trees/shrubs and one retention category U tree would be removed in order to facilitate the development. The report goes on to state that these trees are not protected by a tree preservation order or considered worthy of special protection as they have limited views from public vantage points and are not considered to have a particularly high amenity value. Consequently, I concur with the view that their removal would not have a significant impact on the visual amenity of the locality.
18. The arboricultural report goes on to specify the ways in which the remaining trees could be protected during the construction of the proposed development. Were I minded to allow the appeal I consider that the protection of the remaining trees could be secured through the use of a suitably worded planning condition.
19. Consequently, I consider that the proposal would not have an adverse impact on the character and appearance of the area with particular regard to trees. The proposal would, therefore, accord with Policies DMP1 and BGI2 of the LP and Policy G7 of the London Plan, 2021 (The London Plan) which together emphasise the importance of protecting amenity trees from development and replacing lost trees where appropriate.

Parking

20. Policy T6.1 of the London Plan states that new residential development should not exceed the maximum parking standards set out in Table 10.3. Policies DMP1 and BT2 of the LP support this policy and seek to provide parking consistent with parking standards set out within appendix 4 of the LP which

¹ BS 5837 Arboricultural Report Impact Assessment by Crown tree Consultancy dated 6th August 2024.

goes on to state that residential parking should meet the standards set out within the London Plan.

21. There is no dispute between the parties that the appeal site has a PTAL rating of 3. Consequently, in accordance with Table 10.3 of the London Plan, the development should provide a maximum of 1 car parking space per dwelling. The plans indicate that two parking spaces would be provided and as such, the present scheme would fail to comply with these policies.
22. However, the existing site comprises a garage and one off-street car parking space. The proposed scheme would replace these parking arrangements with two off-street parking spaces on a driveway. As such, the proposal would not result in a net increase of off-street parking provision and would simply retain the existing number of parking spaces. In my view, the proposal would not, therefore, further encourage unnecessary car use and contribute to increasing congestion in the area. Accordingly, whilst there would be a policy conflict in this respect, I do not consider that the proposal would cause harm in this regard and the broad aims set out within the relevant policies would be met. Had I been minded to allow the appeal in respect of the other issues, material considerations would thus indicate that permission should be granted.

Other Matters

23. I note that previously applications for home extensions were made under Prior Approval application ref: 24/0232 and 24/0172. However, these schemes would appear to relate to single storey rear extensions and, as such, would be far less intensive than the scheme which is currently before me.
24. I note that the development would make efficient use of the site to improve the quality and quantity of habitable living space within the existing dwelling. However, I am of the view that these benefits could potentially be secured through an alternative scheme which would not cause harm in the ways I have identified.
25. The appellant suggests that other extensions within the area have been approved. However, each case must be determined on its own merits based on the specific circumstances at each site. These circumstances will rarely, if ever, be identical.
26. I note that a scheme for a loft extension over a previously granted two-storey side extension at No. 4 Egerton Gardens was permitted at appeal in 2021² and also accept that two-storey side extensions are present at a number of other properties nearby. However, though there are similarities, none of the other examples identified are identical to the scheme before me and do not appear to have resulted in the same overwhelming, piecemeal, development which would occur in this instance. As such these examples, though they form a part of the wider street scene, are not such that they provide a compelling reason to justify the grant of planning permission where I have identified harm.

Conclusion

27. For the reasons set out above, the proposal is contrary to the development plan. There are no material considerations that indicate that permission should

² APP/T5150/D/20/3258130

be granted. Therefore, taking all other matters raised into account, the appeal is dismissed.

L J O'Brien

INSPECTOR