



Appeal Decision

Site visit made on 24 September 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/T5150/D/24/3344424

4 The Grove, Brent, London NW9 0TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Abdolhamid Keshmershekan against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0644.
 - The development is described as “planning permission for a front door porches and a back garden extensions. The proposed back extension will be: a single storey, no more than 4 metres in height (measured externally from the natural ground level). The front porch extension would be 2 metres wide and 1.5 meters deep and the back extension extend beyond the rear wall of the original dwellinghouse (measured externally) by 4.2 meters”.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 21 October 2024.

Decision

1. The appeal is dismissed insofar as it relates to the single storey rear extension.
2. The appeal is allowed insofar as it relates to the front porch extension and planning permission is granted for a front porch extension to the dwellinghouse at 4 The Grove, Brent, London, NW9 0TN in accordance with the terms of the application, Ref 24/0644, and the plans submitted with it, so far as relevant to that part of the development hereby permitted 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 drawing nos A100, A101, A102 and A103.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

3. The above description of development is taken from the application form. However, the proposal would be more accurately described as a proposed single storey rear extension and front porch extension to the dwellinghouse. The Council used this wording on its decision notice and that is the basis on which I shall determine the appeal.

4. As part of the appeal the appellant has submitted an amended drawing number A102 REV A, which shows a bund wall above the roof of the proposed extension. I have not accepted this information as part of the evidence as it would substantially change the scheme before me, and both the Council and the interested parties would be prejudiced if I were to do so.
5. The proposed front porch extension element is clearly severable both physically and functionally from the rear single storey extension element. Therefore, under section 79(1)(b) of the Act, I have the power to issue a split decision on this case.
6. The Council has not found any harm in relation to the proposed front porch extension. I note that a third party has raised concerns in relation to the use of glazing on the left-hand side of the porch and guttering arrangements. However, drawing reference 'A103' does not show any glazing on this elevation and the porch is separated by the boundary wall and therefore I am satisfied that these concerns have been appropriately addressed. I therefore consider that the front porch extension should be allowed subject to the standard time limit, a condition requiring development is carried out in accordance with the approved plans, in the interests of certainty and a materials condition in the interests of character and appearance.

Main Issue

7. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 6, The Grove in particular reference to outlook and enclosure.

Reasons

8. The appeal site is a two-storey, rendered bay-fronted dwelling which lies within a terrace of similar designed properties, providing a uniform appearance to the street scene. The Grove is on a hill and therefore the appeal site is stepped down from No 2 and sits slightly above No 6. No 2 has been extended to its side by a two-storey extension and has a single storey extension which runs along the boundary with the appeal site. The rear windows of No 6 sit below the level of the appeal site and it has a small lean-to extension over the window located furthest away from the boundary. The rear garden of the appeal site slopes downwards away from the property and is bounded by concrete posts and timber fence panels.
9. The Residential Extensions and Alterations Supplementary Planning Document (2018) (SPD) says that the maximum depth of single storey extensions normally permitted is 3m, however it goes on to say that if properties are set at a lower level that this depth may have to be reduced by a commensurate amount.
10. The proposed extension would run across the width of the property up to the boundary of neighbouring properties. There is disagreement between the parties as to the depth of the extension, however the plans show that this would project beyond the rear wall of the extension at No 2. The eaves of the proposed extension would be above the height of the rear windows and patio doors of the host property and would have a pitched roof constructed of single ply roofing which would have two different slope levels.

11. Despite the pitch roof arrangement, due to the difference in ground levels, the height of the side flank of the proposed extension would rise significantly above the height of the ground floor rear windows of No 6, which serve habitable rooms. The cumulative impact of the height and depth of its projection along the boundary would unacceptably dominate the outlook from the rear facing windows of No 6 closest to the boundary. Although the rear gardens of the properties are of a good size the proposal would have an overbearing impact and create a sense of enclosure to this part of the garden and therefore would be detrimental to the living conditions of the occupiers of No 6 when using this space.
12. Although I note that there are no concerns in relation to the loss of sunlight or daylight due to the orientation of the site, I conclude that this element of the proposal would cause harm to the living conditions of the occupiers of No 6, The Grove in particular reference to outlook and enclosure. The proposal thereby conflicts with Policy DMP1 of the Brent Local Plan 2019-2041 (2022) and the SPD which seek amongst other things to protect neighbouring residential amenity.

Other Matters

13. The appellant has questioned the Council's decision-making procedure relating to the application and the lawful status of the extensions at No 2, however these are not matters for me to consider as part of the appeal.

Conclusion

14. The appeal proposal includes two different elements. I have concluded that the proposed front porch extension would not conflict with the development plan. I have concluded that the proposed single storey rear extension would have a harmful effect on the living conditions of the occupiers with particular reference to outlook and enclosure, contrary to the relevant policies of the development plan.
15. Having had regard to the development plan as a whole and all other matters raised, I dismiss the appeal in respect of the single storey rear extension. However, I allow the appeal in respect of the front porch extension.

C Skelly

INSPECTOR