



Appeal Decision

Site visit made on 18 December 2024

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Appeal Ref: APP/T5150/D/24/3353181

21 Kingswood Avenue, Brent, London NW6 6LL

- 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 Thomas Foster against the decision of the London Borough of Brent Council.
 - The application Ref is 24/1042.
 - The development proposed is the alteration to glazed windows and side infill extension.
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Decision

1. The appeal is allowed and planning permission is granted for the alteration to glazed windows and side infill extension at 21 Kingswood Avenue, Brent, London NW6 6LL in accordance with the terms of the application, Ref 24/1042, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: KA.PP.01, KA.PP.02, KA.PP.03, KA.PP.04, KA.PE.01, KA.PE.02, KA.PE.03 and KA.PS.01

Procedural Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, the Government published a revised National Planning Policy Framework (December 2024) (the Framework). I consider that there have been no major changes relevant to the main issues in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

Main Issues

3. The main issue is the effect on the living conditions of neighbouring residential occupiers

Reasons

4. The appeal dwelling is a two storey end of terrace house with two storey rear outrigger. The proposal is for a side extension to the two storey outrigger with a glazed lantern to its roof. The existing side extension to the outrigger was constructed following a previously approved application¹ for extension and

¹ Planning Ref: 17/4360

alteration to the appeal dwelling. However, the side extension has not been built in accordance with the approved plans and is 0.4 metres taller along its boundary with 22 Kingswood Avenue (No.22).

5. From the material submitted by both main parties, I am unable to conclude that the side extension as built benefits from being permitted development, as there is nothing before me to establish the date of its completion. I have, therefore, considered the appeal proposal as having commenced, and have determined this appeal on that basis.
6. The appeal proposal is for the side extension as built, with the height of the flank wall of the side extension along its boundary with No.21 at 2.4 metres in height, but with the addition of a glazed lantern to its glazed sloping roof that has not yet been built. The top proposed lantern terminates at approximately 3 metres and would be set back from the rear elevation of the existing rear outrigger and the flank wall of the side extension by approximately 0.7 metres.
7. The Brent Residential Extensions & Alterations SPD2 (2018) (the SPD) advises that extensions which infill the side return between a two storey outrigger and the boundary should be no higher than 2 metres in height on the boundary when measured from the neighbour's side. However, this design guidance needs to be applied to individual circumstances and with full regard to the context of the proposal and the objectives of such guidance.
8. Given the scale of the appeal dwelling and its immediate neighbour at No.22 and the width of the space between the side return of their outriggers and the boundary between, the approximate 0.4 metres additional height of the flank wall to the boundary above the 2.0 metres advised by the SPD for such extensions, would not be so great that it would result in any significant additional bulk. Likewise, the proposed fully glazed roof lantern, set back from the flank wall, would have minimal visual weight and would not add any significant additional bulk.
9. Consequently, I do not find that the proposal would have a bulky or unduly prominent appearance when seen from the garden and house at No.22. As such, I find that the additional height of the proposed side infill extension and the glazed roof lantern would not result in an overbearing effect on the occupiers of this neighbouring property, to the extent that it would result in any significant loss of outlook. As such, the proposal would comply with the aims of the SPD with regard to protecting the amenity of neighbouring residential occupiers.
10. For these reasons, the proposal would not result in any significant harm to the living conditions or neighbouring residential occupiers. As such, it would comply with Policy DMP1 of the Brent Local Plan 2019-2041 which seeks development that protects local amenity.

Conditions

11. I have had regard to the conditions suggest by the council should I be minded to allow this appeal. As the development has already commenced, I have not included the standard condition regarding the timing of implementation and as the materials used match to existing, I have not included a condition related to the use

of matching materials. To ensure design quality I have attached a condition that requires compliance with the approved drawings.

Conclusion

12. The appeal is allowed.

Victor Callister

INSPECTOR