



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: 05 February 2025

Appeal Ref: APP/T5150/D/24/3345574

40 Teignmouth Road, Brent, London NW2 4HN

- 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 R. Bernard against the decision of the London Borough of Brent Council.
 - The application Ref is 24/0653.
 - The development proposed is extending the existing rear conservatory up to the existing double storey outrigger.
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Decision

1. The appeal is allowed and planning permission is granted for extending the existing rear conservatory up to the existing double storey outrigger at 40 Teignmouth Road, Brent, London NW2 4HN in accordance with the terms of the application, Ref 24/0653, 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: 290 - URB – ZZ-00-DR-A-1001-R1, 290 - URB – ZZ-00-DR-A-101101-R1, 290 - URB – ZZ-0.1-DR-A-101102-R1, 290 - URB – ZZ-0.2-DR-A-101103-R1, 290 - URB – ZZ-E1-DR-A-101301-R1, 290 - URB – ZZ-E2-DR-A-101302-R1, 290 - URB – ZZ-E3-DR-A-101303-R1, 290 - URB – ZZ-E3-DR-A-101204-R1, 290 - URB – ZZ-S3-DR-A-101401-R1 and 290 - URB – ZZ-S4-DR-A-101402-R1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.

Main Issue

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

Reasons

3. The appeal dwelling is a two storey brick detached house, with generous front and rear gardens. It is located in a street and local area made up of similar

detached properties that have narrow separating side passages. It is centrally located within the boundary of the Mapesbury Conservation Area (the CA).

4. To the rear is an existing pitched roof conservatory that sits between the rear outrigger to the appeal dwelling and the side boundary with 42 Teignmouth Road (No. 42). This measures approximately 2.9 metres deep, 4.3 metres to its roof ridge and has a flank 3.3 metres in height on the boundary with No. 42. The proposal would extend the depth of this existing conservatory by approximately 2.6 metres, whilst replicating its current design. The extended conservatory would align with the rear of the existing outrigger and would infill the space between it and the boundary with No. 42.
5. 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. This guidance is also replicated in the Mapesbury Conservation Area Design Guide (2018). However, this design guidance needs to be applied with regard to the individual circumstances and context of the proposal, as well as the aims of such guidance.
6. In this instance the existing conservatory is taller in overall height, as well as on the boundary, than set out in this design guidance. Given the scale of the appeal dwelling and its immediate neighbour at No.42, the width of the space between the outrigger of No.42 and the side boundary, and the separating passage between these two detached houses, it reflects the scale of the appeal dwelling and its spatial relationship with its neighbour.
7. The proposed extension of the conservatory would replicate its traditional design and materials, and although it would be deeper than existing, would continue to be of a subordinate scale that would appear as a secondary addition to the appeal dwelling. Given the distance to the outrigger to No.42 and windows to its living spaces, the extent of the proposal would not result in any significant additional bulk that would result in an unacceptable enclosing effect when seen and experienced from the house, terrace and garden of No.42. As such, I find that the proposal would not result in any significant loss of outlook for the occupiers of this neighbouring property and would, therefore, comply with the aims of the SPD with regard to protecting the amenity of neighbouring residential occupiers.

Other Matters

8. Concerns have been raised by other parties as to the effect on privacy and on sunlight and daylight available to No.42. Given the existing conservatory glazing and distance to windows to living spaces in No.42 and the orientation of the properties, I do not find that the proposed increase in its depth would result in any significant loss of privacy or light levels that would be detrimental to the amenity of the occupiers of No.42.
9. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character

or appearance of the CA, and concur with the Council's conclusion that the appeal proposal would preserve the character and appearance of the CA.

10. For the reasons given above, 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 (2022) that seeks development that protects local amenity.

Conditions

11. Along with the standard condition relating to the timing of implementation, I have attached conditions to ensure design quality that require compliance with the approved drawings and materials that match existing.

Conclusion

12. For the reasons given above and having regard to all matters raised, the appeal is allowed.

Victor Callister

INSPECTOR