



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/24/3345581

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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr R. Bernard against the decision of the London Borough of Brent Council.
- The application Ref is 24/0821.
- The application sought planning permission for the demolition of conservatory and erection of a mono-pitched single storey rear extension, side infill extension, and restoration of upper level bricks to dwelling house without complying with a condition attached to planning permission Ref 23/3349, dated 16 February 2024.
- The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in material accordance with the following approved drawings:

Location Plan

290 - URB – ZZ-00-DR-A-001-R1 Existing Site Plan

90 - URB – ZZ-00-DR-A-01101-R1 Plans Existing Ground Floor, Basement

290 - URB – ZZ-0.1-DR-A-01102-R1 Plans Existing Loft, First Floor

290 - URB – ZZ-0.2-DR-A-01103-R1 Plans Existing roof

290 - URB – ZZ-E1-DR-A-01201-R1 Elevations Existing E-01 Elevation

290 - URB – ZZ-E2-DR-A-01202-R1 Elevations Existing E-02 Elevation

290 - URB – ZZ-E3-DR-A-01203-R1 Elevations Existing E-03 Elevation

290 - URB – ZZ-E3-DR-A-01204-R1 Elevations Existing E-04 Elevation

290 - URB – ZZ-S1-DR-A-01301-R1 Sections Existing S-01 Building Section

290 - URB – ZZ-S2-DR-A-01302-R1 Sections Existing S-02 Building Section

290 - URB – ZZ-S3-DR-A-01303-R1 Sections Existing S-03 Building Section

290 - URB – ZZ-00-DR-A-1001-R3 Proposed Site Plan

290 - URB – ZZ-00-DR-A-101101-R3 Plans Proposed Ground Floor, Basement

290 - URB – ZZ-0.1-DR-A-101102-R3 Plans Proposed Loft, First Floor

290 - URB – ZZ-0.2-DR-A-101103-R3 Plans Proposed Roof

290 - URB – ZZ-E1-DR-A-101201-R3 Elevations Proposed E-01 Elevation, Glass Box Extension 3D

290 - URB – ZZ-E2-DR-A-101202-R3 Elevations Proposed E-02 Elevation

290 - URB – ZZ-E3-DR-A-101203-R3 Elevations Proposed E-03 Elevation

290 - URB – ZZ-E3-DR-A-101204-R3 Elevations Proposed E-04 Elevation

290 - URB – ZZ-S1-DR-A-101301-R3 Sections Proposed S-01 Building Section

290 - URB – ZZ-S2-DR-A-101302-R3 Sections Proposed S-02 Building Section

290 - URB – ZZ-S3-DR-A-101303-R3 Sections Proposed S-03 Building Section [].

- The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of conservatory and erection of a mono-pitched single storey rear extension, side infill

extension, and restoration of upper level bricks to dwelling house at 40 Teignmouth Road, Brent, London NW2 4HN in accordance with the application Ref 24/0821, without compliance with condition number 2 previously imposed on planning permission Ref 23/3349 dated 16 February 2024 and subject to following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans dated 22/03/2024: 290 - URB – ZZ-00-DR-A-1001-R3, 290 - URB – ZZ-00-DR-A-101101-R3, 290 - URB – ZZ-0.1-DR-A-101102-R3, 290 - URB – ZZ-0.2-DR-A-101103-R3, 290 - URB – ZZ-E1-DR-A-101201-R3, 290 - URB – ZZ-E2-DR-A-101202-R3, 290 - URB – ZZ-E3-DR-A-101203-R3, 290 - URB – ZZ-E3-DR-A-101204-R3, 290 - URB – ZZ-S1-DR-A-101301-R3 and 290 - URB – ZZ-S2-DR-A-101302-R3.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.

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 Issue

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

Reasons

4. 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 side passages and falls within the Mapesbury Conservation Area (the CA).
5. From my site visit the development that is the subject of this appeal appears to be under construction. The proposed amendments to that approved include the correction of ground levels given previously, the change from a mono-pitch to a part flat/part single pitch roof to the proposed side infill extension, increase the flank wall height of this extension and amend the proposed patio door.
6. The proposed alteration of the roof form and flank wall to the side extension previously approved, would result in a flank wall approximately 3 metres in height above the terrace level of the appeal property and that of the neighbouring dwelling at 42 Teignmouth Road (No 42), an increase of approximately 0.4 metres. This terrace level sits approximately 0.7 metres above garden level, which continues to fall further away from the house. The proposed part flat roof/part single pitch roof form would similarly terminate at approximately 0.4 metres higher than existing, with a steeper single pitch element than the approved mono-pitch roof form.

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. This guidance is repeated in the Mapesbury Conservation Area Design Guide (2018). However, this design guidance needs to be applied with regard to individual circumstances and context of the proposal, as well as the aims of such guidance. It is noted that the previous approval was for a side extension in excess of this guidance in terms of its height as well as its depth.
8. Given the scale of the appeal dwelling and its immediate neighbour at No.42, the presence of a side passage between these two detached houses and the width of the space between the outrigger of No 42 and the boundary, the approximate 0.4 metres additional height of the flank wall to the boundary and similar increase in terminal height of the proposed part flat/part single pitch roof form would not be so great that it would result in any significant additional bulk.
9. As such, I do not find that the proposed change of roof form and increase in height over that of the approved side infill extension would result in it having a dominating and overbearing presence when seen and experienced from the garden and house at No.42. Consequently, 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

10. Concerns have been raised by other parties as to the effect on privacy and light pollution of the glazed roof lights on the proposed flat roof element of the side infill extension. Given the position and limited extent of the proposed roof lights, I do not find that they would cause any significant loss of privacy or light pollution that would be out of keeping with a developed residential area of this type.
11. Concerns have also been raised with the effect of the proposal on sunlight and daylight available to No.42. However, given the height of the proposal, distances involved and the orientation of the properties, I do not find that it would result in any significant loss of sunlight or daylight to the extent that light that be detrimental to the amenity of the occupiers of No.42.
12. 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.
13. 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

14. 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.. To ensure design quality I have attached conditions that require compliance with the approved drawings and the use of matching materials to existing.

Conclusion

15. For the reasons given, and with regard to all other matters raised, the appeal is allowed.

Victor Callister

INSPECTOR