

---

## Appeal Decision

Site visit made on 11 February 2025

by **Alison Scott (BA Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

---

**Appeal Ref: APP/T5150/D/24/3347421**

**19 Abbey Avenue, Wembley, Brent HA0 1LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part [specify part], Class [specify class] of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Harin Solanki against the decision of the Council of the London Borough of Brent.
  - The application Ref is 24/1083.
  - The development proposed is Single storey rear extension 6.0M deep.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1, Class A permits rear extensions to a dwellinghouse provided it meets specific criteria. The occupants of Number 17 have objected to the impact of the extension on their living conditions. Therefore, as is necessary, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of adjoining premises. Further to the Council's assessment of this, prior approval has been refused.

### Main Issue

3. The main issue is the effect of the proposal on the living conditions of the adjacent occupants of Number 17 Abbey Avenue by way of loss of light, outlook and sense of enclosure.

### Reasons

4. Number 19 Abbey Avenue forms part of a row of similar two storey houses and is approximately mid terrace. To the rear it has a lightweight veranda-style extension extending above the ground floor windows and the full width of the dwelling. I could see that Number 17 has no rear extension and retains its original character.
5. The rear elevation of this row of houses follows the same design characteristics. To Number 17, a habitable room window at ground floor is positioned close to the party boundary with a timber fence separating the boundary from one another. The outlook from this window is open in character and the veranda has little effect upon the outlook from this window.

6. The extension would be approximately six metres along the party boundary and at a continuous height of around three metres. It would reduce a large portion of light into this adjacent window which is positioned close to the party boundary, made more severe as the proposal would be located to the south east of Number 17. I have considered the Sunrise and Sunset analysis submitted by the appellant. There would be some overshadowing to this window for part of the day until the ark of the sun moves to the west. Despite its findings, I am not convinced it is sufficiently accurate in scale and context, and without more precise explanation, I cannot be sure it is a reliable source of information. Also, I apportion only a limited amount of weight to the photographs submitted by the appellant as I have had to carry out my own assessment of the proposal before me.
7. In addition, the outlook the neighbouring occupants would experience from this window would be onto a solid extension and at approximately six metres in length and about three metres in height, considerably higher than the perimeter fence. This would have the effect of resulting in an adverse impact upon the occupant's outlook from this window.
8. The garden of Number 17 is relatively long and open in nature with limited structures present, as too are the gardens either side of Number 17 and the occupants currently experience an open aspect. Whilst the proposed extension would be visible from within their garden, I am not convinced that they would be detrimentally compromised by a negative sense of enclosure arising from the position of the extension.
9. To conclude, whilst I am not in entire agreement with the Council, nonetheless I have found harm to the living conditions of the adjoining neighbour.

### **Other Matters**

10. I understand the value of the extension to the occupants' family and their desire to stay in this property. However, the prior approval route does not allow me to take into account the family's specific circumstances.
11. Should the appellant have cause for concern relating to the Council and their service, they should refer to them directly.

### **Conclusion**

12. The appeal is dismissed.

*Alison Scott*

INSPECTOR