



Appeal Decision

Site visit made on 3 December 2024 by A Khan BSc (Hons) MA MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/T5150/D/24/3350368

67 Dunster Drive, Brent, London NW9 8EH

- 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 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J R Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/1353.
 - The development proposed is prior approval for a single storey rear extension to dwellinghouse, in metres: Extending beyond the rear wall of the original house - 6m, maximum height - 3.66m, eaves height - 3m.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4 (7), require the local planning authority to assess the effect of the proposed development on the amenity of any adjoining premises, where any owner or occupier of any adjoining premises objects to the proposed development.
4. The proposed single storey extension would project 6 metres in length, 3.66 metres at its highest point and measure 3 metres to the eaves. It would extend across almost the whole width of the host property. As such, it would fall within the scope of the provisions of the Order. This is not a matter of dispute between the parties.
5. Following the Council's notification of the proposed development, an objection was received from the occupants of 60 Deanscroft Avenue (no 60). No concerns were raised by the Council regarding the effect of the development on the living conditions of the occupants of no 60, 62 Deanscroft Avenue or 69 Dunster Drive. From what I saw on site, there is no reason for me to disagree with these conclusions.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers at 65 Dunster Drive (no 65) with particular regard to outlook.

Reasons for the Recommendation

7. The appeal property is located in a residential area of predominantly semi-detached dwellings set within long, narrow rear plots. Most dwellings remain unaltered with no rear extensions though some have outbuildings or garages located in their rear garden.
8. No 65 forms a pair of semi-detached properties with the appeal dwelling. The design of the proposed extension would harmonise and complement the host property, but would be built immediately adjacent to the boundary shared with no 65. This would be at odds with the aims of the Council's Residential Extensions and Alterations Supplementary Planning Document 2 (November 2017), which requires extensions up to 6 metres in depth to be partially set in from the boundary to protect neighbouring residential amenity.
9. The proximity of the proposed extension to no 65 would, together with its excessive height and depth, result in an overbearing and dominating form of development, which would harmfully restrict the outlook from no 65, particularly from the sliding doors serving the living area, but also the patio area of this neighbouring property. Despite the garden being generous in size, it is apparent that the occupiers use the patio area as an intrinsic part of their enjoyment of the property.
10. The appellant has drawn my attention to the extensions at 41 Holden Avenue, 43 Holden Avenue and 70 Deanscroft Avenue. In these instances, however, neighbouring residents did not object to the development, and prior approval was therefore not required. Consequently, the Council did not have to carry out an assessment of the impact of the development on the living conditions of neighbouring residents. As such, these examples are not comparable to the appeal scheme before me and are thus afforded limited weight.
11. I acknowledge that the proposal would also provide additional living space for the care of the appellant's parents, however, this does not outweigh the significant harm that the development would cause to the living conditions of no 65 in respect of outlook.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Edwards

INSPECTOR