



Appeal Decision

Site visit made on 26 March 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th May 2025

Appeal Ref: APP/T5150/W/24/3353925

5B Rainham Road, Brent, London NW10 5DS

- 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 Jonathan Christodoulides against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/1948.
 - The development proposed is loft conversion and rear roof extension, and an outdoor terrace to the rear of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised plans dated 18/09/24 as part of the appeal. The revised plans include the rear dormer extension and rear outrigger with 2 x front rooflights to the first floor flat, which was granted permission under LPA Ref. 24/1870, which is substantially complete, with the addition of a roof terrace and privacy screen.
3. I have considered the revised plans with regard to the judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin). In terms of the procedural test, given that interested parties were consulted on the revised plans as part of the appeal, I do not consider that they would be prejudiced if I determined this appeal on the basis of the revised plans. However, in terms of the substantive test, I find that the revised plans would be a substantial difference to the proposal. Consequently, I have not accepted the revised plans as part of the appeal. I have therefore considered the appeal on the same basis as the Council reached its decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and surrounding area; and
 - the living conditions of neighbouring residents with regards to daylight and outlook.

Reasons

Character and appearance

5. The appeal property is a mid-terrace dwelling located in a residential area of similar architectural styles. The appeal site comprises a flat over the first floor and its roof space. To the rear of the property there is a two-storey outrigger with flat roof and a tall chimney stack. The host property has been extended through a flat roof dormer and smaller flat roof extension which extends partially over the two-storey outrigger. The dormer as built has sliding doors which provides access to a decked roof terrace.
6. I observed that despite some extensions of limited depth, the outriggers along Rainham Road retain their original form. This provides a rhythmic, open appearance to the rear of the properties and is a key feature of the immediate local area.
7. Section 2.5 of the Residential Extensions and Alterations Supplementary Planning Document (2028) (SPD) indicates that proposals for dormers that project onto or over a rear projection will not normally be permitted. However, the existing extension already projects onto the rear outrigger by approximately 2.1m. The proposal would extend this further along the outrigger by approximately 3m. It would therefore align with the chimney stack and cover a significant proportion of the rear outrigger. Therefore, despite being set back from the side elevation of the outrigger, its depth and bulk would interrupt the open appearance of the row of outriggers.
8. The proposed privacy screen would have obscured glazing and would be at a height of approximately 1.7m with no set back from the side elevations. As the screen would be located on three sides of the terrace it would enclose almost all of the remaining length of the outrigger. Although the privacy screen would be stepped down from the extension, together, the proposed additions would dominate the appearance of the outrigger and erode the uniform appearance to the rear of the terrace. The scale of the proposal would appear as an incongruous addition to the rear outrigger which would harm the character and appearance of the host property and surrounding area. In addition to being prominent when viewed from neighbouring dwellings it would also be visible from Berens Road.
9. The appellant has referred to examples of existing roof terraces in the local area, some of which have planning permission. I note that the structures at 13B Bayford Road and 18 Berens Road have been granted Certificates of Lawfulness. The appellant has also referred to an appeal¹ which was allowed at No 7 Bayford Road. In this case the Inspector considered that the existing roof terraces formed part of the established character of the area. Whilst the existing roof terraces are part of the same block of housing as the appeal site, Rainham Road is a separate terrace, with limited existing development over the rear outriggers and therefore has a different character.
10. I have also been referred to the existing development at 58 Pember Road, which was granted permission. However, this differs from the appeal case as it is located on a ground floor extension to the property. A further reference is made to No 810 Harrow Road, which is a different style to the host property. Therefore, I do not

¹ APP/T5150/D/23/3325786

consider that these examples are directly comparable to the appeal case. Moreover, I have considered the appeal on its individual merits in light of the evidence before me.

11. The proposal would harm the character and appearance of the host property and the surrounding area. It thereby conflicts with Policies DMP1 and BD1 of the Brent Local Plan (2019-2041) (2022) (LP). These policies seek amongst other things to ensure that all new development is of the highest architectural and urban design quality which complements the locality.

Living conditions

12. Flat 5A is located on the ground floor and has windows on the side elevation of the rear outrigger, which serve habitable rooms. Due to the height and orientation of the property these rooms have reduced outlook. The proposed extension would be set back approximately 200mm from the side of the outrigger, however the roof terrace and screening would have no set back. As the proposed privacy screen would be obscured glass it would allow light to pass through and therefore would not result in an unacceptable loss of light. However, as it would be a solid structure at a height of approximately 1.7m it would further reduce the outlook from these habitable rooms.
13. Therefore, the proposal would harm the living conditions of neighbouring residents with regards to outlook. It thereby conflicts with Policy DMP1 of the LP which amongst other things seeks to ensure that new development provides high levels of internal and external amenity.

Other Matters

14. The Officer Report states that the proposal may lead to a higher level of noise and disturbance for neighbouring residents due to its proximity to 8 Berens Road and therefore would fail to comply with part “g” of Policy DMP1. However, this matter is not referred to in the Council’s reasons for refusal. As there are already a number of gardens close to Nos 8A and 8B Berens Road I do not consider that the proposed roof terrace would cause an increase in noise to such an extent that it would unacceptably harm the living conditions of neighbouring residents with regards to noise and disturbance.

Conclusion

15. The proposal would provide additional internal living accommodation and provide some outdoor space for the appellant. I have found that the proposed development would cause harm to the character and appearance of the host property and surrounding area and the living conditions of neighbouring residents with regards to outlook. These harms are not outweighed by the benefits which I have identified and are sufficient to justify dismissing the appeal.
16. The proposed development would conflict with the Development Plan, when taken as a whole, and the Framework. There are no material considerations that indicate that the decision should be made other than in accordance with the Development Plan.

17. Accordingly, for the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR