



Appeal Decision

Site visit made on 7 April 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2025

Appeal Ref: APP/T5150/W/25/3358447

132-132A & 134A Tanfield Avenue, Brent, London NW2 7RR.

- 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. William McGowan, against the decision of the Council of the London Borough of Brent.
 - The application reference number is: 24/0875.
 - The development proposed is described as 'proposed erection of single storey rear extension to ground floor flat (132 Tanfield Avenue) and erection of first floor rear extensions to first floor flats (132A & 134A Tanfield Avenue).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development detailed above is different to that stated on the planning application form. It was amended and agreed by both the Council and the applicant following submission of the planning application. I have used this amended description of development in my consideration of the appeal.
3. In January 2025, the Council adopted an updated Residential Extensions and Alterations Supplementary Planning Document (January 2025) (the SPD). The appellant was provided with the opportunity to comment on this following submission of the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area.
 - whether acceptable living conditions would be provided for future occupiers of the proposed development with regard to privacy and internal living accommodation, including floorspace, outlook and access to daylight.

Reasons

Character and Appearance

5. The appeal site consists of the majority of a large building accommodating four flats. The building resembles a large semi-detached property in many respects including traditional bay windows to the front and rear gardens. However, features

such as the external stairways leading to the upper-floor flats give it a distinct appearance. It is located on a busy predominately residential street, and to the northeast, there are several other buildings of a similar design. To the southwest, there is a four-storey purpose-built residential block. The front garden area of the appeal site is used as a car park, while individual amenity space for all flats is provided at the rear of the building.

6. The area at the rear of the property is residential in character, with a scattering of garden sheds and other ancillary structures. Many nearby properties feature dormer roof extensions, as well as additional extensions at lower levels. The appeal property has already been extended at ground and to the rear, as well as at roof level, where full-width dormers span the rear roof plane. These dormers are visible from the street and constitute significant additions to the rear of the building. However, the structure retains a stepped form from the roof down to ground-floor level, rather than appearing as a uniform mass. This variation in form helps to reduce the perceived bulk and massing of the rear elevation.
7. The proposal seeks to extend the building at both ground and first-floor levels, resulting in a consistent rear building line across both storeys. No alterations are proposed at roof level, where the existing dormers will be retained. The additional floor space created by the extensions will facilitate the reconfiguration of the internal layout of three affected flats
8. The proposals will establish a consistent rear building line at ground and first-floor levels. Essentially, both levels will be extended to align uniformly, incorporating a large flat roof below the existing dormers at roof level. The current fragmented form of the rear of the building, which acts to reduce massing and bulk, will be lost. When viewed from the surrounding gardens and properties, the rear of the building will appear as a large structure, exhibiting significant mass and bulk. While several nearby buildings have also been significantly extended to the rear, the proposal would exceed the scale of other extensions in the vicinity significantly. The impact would be substantial, and the property would lose its remaining character, which is currently consistent with development in the vicinity. It would instead display a form more characteristic of a purpose-built residential block.
9. In January 2025, the Council adopted an updated Residential Extensions and Alterations Supplementary Planning Document (the SPD). This revised the Residential Extensions and Alterations Supplementary Planning Document 2 (January 2018) and sets out further guidance on the implementation of Brent Local Plan (2019-2041) (the Local Plan) Policy DMP1. This specifies that the maximum depth of two-storey rear extensions should not exceed 3 metres. While it is acknowledged that the existing two storey rear extension has a depth of over 4 metres, I am not satisfied that an exception to this policy should be permitted in this instance and an extension with a depth of over 5 metres be allowed.
10. For the reasons stated, the proposed development would harm the character and appearance of the surrounding area. It conflicts with Policies BD1 and DMP1 of the Local Plan, which amongst other things require development scale, density and design to compliment the locality.

Living conditions of future occupants

11. Policy D6 of the London Plan (2021) regulates housing quality and standards of development including amongst other things room size and functional layouts.

12. Both the appellant and the Council agree that all three proposed flats fall short of the size standards specified in the London Plan (2021). Flat 132A and Flat 134A fall below the size standards by 12.5 square metres and 17 square metres respectively, while Flat 132 is 3 square metres below the required standard.
13. Particularly in relation to Flats 132A and 134A, the shortfall in floorspace would result in dwellings significantly below the size standards currently required for new dwellings by the London Plan (2021). This would lead to unacceptable living conditions for future occupants. Although the existing flats that are proposed to be extended are already below the current size standards, they were constructed prior to the adoption of these standards. However, this fact does not justify the provision of new flats that fall significantly below the current floorspace requirements.
14. Reference has been made to a previous planning permission under Ref: 15/2967, relating to Flats 132 and 134. It is indicated that the permission was partially implemented, with alterations made to Flat 134. I do not have details of this permission before me, and it is not my role to determine whether the development has been carried out in compliance with the approved scheme.
15. I note the appellant's submissions that this permission provides a form of 'precedent' for the proposal at Flat 132 and would bring benefits to both Flats 132 and 134. However, planning decisions are determined on their individual merits, assessed against the policies of the development plan relevant at the time of consideration, rather than following a system of precedent.
16. The referenced planning permission was granted before the adoption of the London Plan (2021) and the introduction of space standards for dwellings under Policy D6, which forms part of the current development plan. As such, I can only assign this example limited weight and this does not lead me to a different conclusion on this issue.
17. The proposals would have significant impact on the outlook from the main living areas in respect of flat 132 and flat 134 here. The windows facing in a southeasterly direction over the rear garden area will be lost. No measures to mitigate this loss of outlook are proposed. The only remaining windows providing outlook from the main living / kitchen areas will be located on the side elevations of the building. This represents a significant reduction in outlook from both flats.
18. The removal of these windows will also have a significant detrimental impact on daylight penetration into the main living areas of both flats. I am not satisfied that the proposal would provide a functional comfortable layout which is fit for purpose as is required by Policy D6 of the London Plan.
19. For the reasons outlined above, the proposal fails to provide adequate internal amenity for future occupiers of the development, owing to the lack of space and daylight. Consequently, the proposal is contrary to Policy D6 of the London Plan (2021) and Policy DMP1 of the Local Plan, which, among other requirements, specify that development should provide high levels of internal amenity for potential occupants.

Other Matters

20. The appellant has stated that the shortfall in floorspace of the enlarged flats compared to the standards required by Policy D6 of the London Plan (2021), is justified due to his growing family. He argues that additional space is crucial to enhance their living conditions, and that the current layout of No. 132A and No. 134A is inadequate, failing to provide sufficient privacy for his expanding family, particularly in the upper flats. This proposal seeks to address what he refers to as a pressing need.
21. This application aims to increase the floorspace of three flats. However, no evidence is provided to demonstrate how this would address the needs of the appellant's growing family. Three flats would ordinarily be expected to accommodate three separate households unless evidence is presented to suggest otherwise. Furthermore, the appellant has not provided any specific details about the family circumstances that might justify the need for additional floorspace, such as the number of family members or other particular requirements.
22. I have considered the need for additional accommodation for the appellant and his family in the context of rights under Article 8 of the European Convention on Human Rights as set out in Schedule 1 of the Human Rights Act 1998. This requires me to consider the impact of the decision relating to the proposed development on the appellants 'right for respect for private and family life.'
23. In this regard, the proposed development would provide larger dwellings for the appellant and his family. Notwithstanding this important consideration, it does not follow from Article 8 that the appeal should succeed, particularly, as there are other means by which family need may be addressed, without resulting in the harm identified above. This is in respect of the effect on the character and appearance of the area and living conditions of future occupiers, which could include persons not members of the appellants family.
24. While the potential positive aspects of the proposal in this regard are acknowledged, they do not justify overriding the policy. This is particularly pertinent in the case of Flat 132A and Flat 134A, where the floorspace shortfall is substantial. Consequently, I attribute limited weight to this justification in my assessment.

Conclusion

25. For the reasons given above, I conclude that the proposal would conflict with the development plan with regard to the effect of the proposed development on the character and appearance of the area and the living conditions of future occupants of the development. This means that unless material considerations indicate otherwise, the appeal should be dismissed.
26. Balancing the impact on the legitimate interests of others and the wider public interest against the appellant's need for the development—including their rights under Article 8 of the European Convention on Human Rights, as set out in Schedule 1 of the Human Rights Act 1998—I am satisfied that dismissing the appeal would be a proportionate response in this case. The appeal is dismissed.

F P Tinsley INSPECTOR