



Appeal Decision

Site visit made on 2 June 2025

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/T5150/D/25/3364385

86A Harvist Road, Brent, London NW6 6HL

- 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 Ms Nogueira Da Piedade against the decision of Brent Council.
 - The application Ref is 24/3654.
 - The development proposed is for a single storey wrap-around extension and internal alteration to create an additional bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey wrap-around extension and internal alteration to create an additional bedroom at 86A Harvist Road, Brent, London NW6 6HL in accordance with the terms of the application, Ref 24/3654, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Location Plan and Proposed Block Plan, Drawing Nos 004, 005 and 006.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No access shall be provided to the roof of the extension by way of a door or stairway and the roof of the extension shall not be used as a balcony, terrace or other form of sitting out area.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of 84 Harvist Road, with specific reference to outlook.

Reasons

3. The appeal site comprises a ground floor flat located within a row of terraced housing. 84 Harvist Road adjoining to the east, has a single storey infill extension located on the shared boundary for the depth of its former lightwell i.e. running to a

- point that finishes at the end of its original two storey rear outrigger; and with 3no rooflights.
4. The neighbouring property also has a flat roof single storey rear extension situated away from the shared boundary, in line with the flank wall of the outrigger.
 5. I note that the Council's Queen's Park Conservation Area Design Guide stipulates that extensions which infill between outriggers should be designed to have a lightweight roof structure and should also be no higher than 2m in height on the boundary when measured from the neighbour's side, in order to protect amenity.
 6. At 3m in height the flat roof of the extension would be higher than this on the boundary, but bearing in mind that the aforementioned roof lights on the neighbouring extension are set some distance above its eaves line, I consider that no material loss of light or outlook would be caused to the living conditions of the occupants of the adjacent property.
 7. I say this recognising that the proposal constitutes a 'wrap-around' extension and would project beyond the rear elevation of the neighbouring in-fill extension. Nonetheless, this would not be significantly higher than the existing boundary fencing and bearing in mind that the immediate rear sitting out area of the neighbouring property is located further back, to the rear of its own single storey rear extension, I find overall that no demonstrable loss of outlook or light would be caused to the external amenity areas of no 84 either. In coming to this conclusion, I have also had regard to Section 3.2 of the design guide which permits extensions up to 3m from the rear elevation of a terrace, notwithstanding that in respect of the proposal before me, the side and rear extension would form one and the same structure.
 8. I therefore find that whilst not complying with the strict letter of the Design Guidance in respect of the Development Plan, I find no material conflict with Policy BD1 of the Brent Local Plan 2019 – 2041 Policies Document, which states that all new development must be of the highest architectural and urban design quality and that innovative, contemporary design will be supported where it respects and complements historic character.

Other Matters

9. Whilst the Council have made reference to the Conservation Area Design Guide within their reasons for refusal, it has not specified that any harm would be caused to the designated heritage asset. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates that in the exercise, with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is clear from my site visit that properties within the locality have been extended in a multitude of ways to their rear elevations and which form part of the inherent character of the area. On balance, I consider that the scheme would preserve the character and appearance of the Conservation Area in compliance with the legislation.

Conclusion and Conditions

10. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.

11. Other than the standard time limit condition, the Council has suggested conditions be imposed that require the development to be carried out in accordance with the approved plans and that materials employed in the extension match those on the existing dwelling. I consider these conditions necessary in the interests of protecting the character and appearance of the area.
12. The Council has also recommended that a condition be imposed that prevents the flat roof from being used as a terraced area including access thereto. In the interests of protecting the living conditions of the occupants of neighbouring residential properties from overlooking and a consequent loss of privacy, I consider that this condition is necessary.

C J Tivey

INSPECTOR