



Appeal Decision

Site visit made on 1 May 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/T5150/W/24/3357367

4A-6A Lyndhurst Close, London NW10 0DX

- 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 ref is 24/2077.
 - The development proposed is described as: erection of first floor rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor rear extensions at 4A-6A Lyndhurst Close, London NW10 0DX in accordance with the terms of the application, Ref 24/2077, 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 TRICON/4A-6ALC/202 B; TRICON/4A-6ALC/205 B; TRICON/4A-6ALC/206 B; TRICON/4A-6ALC/207 B; and TRICON/4A-6ALC/208 B.
 - 3) The external materials of the development hereby permitted shall match those used in the existing dwelling.
 - 4) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Preliminary Matters

2. The appeal development involves 4A Lyndhurst Close (No 4A) and 6A Lyndhurst Close (No 6A). The site address within the application form includes No 4A only. I have therefore used the address within the appeal form within the banner heading which includes both No 4A and No 6A.
3. The Council have confirmed that the Residential extensions and alterations SPD2 (2018) has been superseded by the Residential Extensions & Alterations Supplementary Planning Document (2025) (SPD 2025). I have proceeded on this basis.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 8A Lyndhurst Close (No 8A) with particular regard to outlook, and levels of daylight and sunlight.

Reasons

5. The appeal site forms two neighbouring first-floor flats with a small roof terrace adjoining the rear elevation of each property. No 8A adjoins No 6A. No 8A has a small window and glazed door within the rear elevation closest to the shared boundary with No 6A. These openings provide occupiers of No 8A with outlook, and daylight and sunlight from the open rear garden area adjoining the buildings along this section of Lyndhurst Close.
6. The proposed extension would be set back from the boundary with No 8A and project modestly beyond the rear elevation. Thus, the existing outlook, and levels of daylight and sunlight from the rear openings of No 8A would not be significantly impacted by the modest proposal.
7. Furthermore, both the Council and the appellant confirm that the proposal would comply with the 45-degree line measured from the middle of the nearest habitable room windows required by the SPD 2025. The Council additionally confirm that had the SPD 2025 has been adopted at the time the application was determined, the proposed extension would have been considered acceptable.
8. For these reasons, the proposed development would not harm the living conditions of the occupiers of No 8A with regard to outlook, and levels of daylight and sunlight.
9. It would therefore accord with Policy DMP1 of the Brent Local Plan 2019-2041 (2022) which among other things, seeks to achieve good design that provides a high level of internal amenity.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. I have imposed a condition relating to materials to safeguard the character and appearance of the building and the area.
11. Given the proximity of the proposed flat roof to the windows of neighbouring dwellings, I have added a condition preventing its use as an external living area. I have amended the Council's suggested condition in the interests of conciseness.

Conclusion

12. For the reasons above, the appeal should be allowed.

N Unwin

INSPECTOR