
Appeal Decision

Site visit made on 12 August 2025 by E Nutman BA (Hons)

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Appeal Ref: APP/T5150/D/25/3368061

28 Queensbury Road, Wembley HA0 1LU

- 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 Azimuddin Kalokhe against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/0953.
 - The development proposed is double storey side extension, rear first floor extension.
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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 Council's report includes an assessment of the proposed side extension and finds that any effects arising from this element would not be so significant as to warrant a refusal. However, the report includes a contradictory conclusion in this respect, stating that 'The proposed first floor side extension, due to its lack of set back from the original front wall would result in a loss of light and overbearing impact to the ground floor side window at No. 30 Queensbury Road'. Given the first-floor side extension is not referred to in the decision notice and includes a setback, it appears that the conclusion in the report is a drafting error.
4. Moreover, the first reason for refusal on the decision notice specifically relates to the relationship of the first floor rear extension with 30 Queensbury Road. The officer report clarifies that the Council's concerns in this regard relate to loss of outlook and light for occupiers of this neighbouring property. I have therefore defined the main issue on this basis.
5. The second reason for refusal on the Council's decision notice refers to anomalies on the proposed drawings specifically in respect of an access door and a roof over a porch. I note that the porch shown on the drawing is not included in the description of development on the application form and so does not form part of the proposal. With regards to the access door, which is shown on the proposed ground floor plan and not the proposed side elevation drawing, it has not been necessary to address this matter given the recommendation and decision to dismiss the appeal on other grounds.

Main Issue

6. The main issue is the effect of the proposed first floor rear extension on the living conditions of occupiers of 30 Queensbury Road (No 30), with particular regard to outlook and light.

Reasons for the Recommendation

Living Conditions

7. The appellant suggests that extensions present at No. 30, have not been carried out in accordance with a planning permission (LPA Ref. 22/2945) (planning permission at No 30) and are the subject of an enforcement investigation by the Council. In particular, my attention has been drawn to the rearmost first floor window at No 30 which the appellant has indicated serves a bathroom. I noted on my site visit that this window is obscure glazed. I have also been provided with the drawings relating to the planning permission at No 30 which show the pre-existing situation and the development that was approved.
8. Regardless of the planning status of the obscurely glazed window at No 30, it sits in a similar location to the rearmost bedroom window shown on the approved drawings at No 30. It is also similarly angled towards the appeal site as the pre-existing rearmost first floor bedroom window at No 30.
9. Even accounting for the first floor rear extension's flat roofed design, its orientation relative to the sun's path, together with its mass and close proximity to No 30, would likely result in a reduction in daylight and sunlight levels within the rearmost first floor room of this neighbouring dwelling. Such effects could occur whether the affected window is the previous rearmost bedroom window, the bedroom window indicated on the approved drawings, or the obscurely glazed window currently in place. In all instances this has the potential to be detrimental to living conditions at No 30. No detailed evidence, in respect of levels of light, have been provided to demonstrate otherwise.
10. Moreover, in the event that the neighbouring development is regularised to correspond with the approved drawings at No 30, or that this neighbouring dwelling was returned to its pre-existing state, the rearmost first floor window would be a clear glazed window serving a bedroom. In those circumstances, the mass, position and close proximity of the first floor rear extension would have a dominant presence that would unacceptably enclose outlook from the respective bedroom in either case. In the absence of any evidence to demonstrate that the enforcement case has been concluded, and that the development at No 30 will not be required to be regularised, this further indicates that the proposal has the potential to have a harmful effect on the quality of living conditions at No 30.
11. The appellant contends that the development would not breach the guidance on two storey rear extensions in the Brent Residential Extensions and Alterations SPD (2025) (SPD). More particularly, that it would not extend beyond a 45-degree line measured from the middle of the nearest habitable room window on the original rear wall of any neighbouring property. It is unclear whether this relates to an assessment of outlook or light. In any case, given the site-specific relationships in this case, the SPD guidance does not overcome the potential harm identified to living conditions at No 30 regardless of the outcome of the Council's enforcement investigation.

12. I conclude, the proposed first floor rear extension would have a harmful effect on the living conditions of occupiers of 30 Queensbury Road, with particular regard to outlook and light. Consequently, the proposal would be contrary to DMP1 of the Brent Local Plan (2022) which requires that the siting, layout, scale and design of development provides high levels of internal and external amenity. For the same reasons it would also conflict with paragraph 135 of the National Planning Policy Framework which requires that developments create places with a high standard of amenity for existing and future users.

Other Matters

13. The points raised regarding shared access between No's 28 and 30 are immaterial to my findings under the main issue. Even though the appeal site is not within a Conservation Area and permitted development rights may exist at the appeal dwelling, this does not alter my conclusions in respect of the appeal development for which planning permission has been sought.

Conclusion and Recommendation

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

E Nutman

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR