



Appeal Decision

Site visit made on 12 March 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/T5150/D/24/3356008

6 Napier Road, London NW10 5XJ

- 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 J Martinez against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/1779.
 - The development proposed is described as “Householder Application for the installation of a secured glass balustrade and obscured glazed privacy screens to provide security and reduced depth to an existing terrace balcony. Following a recently refused application 24/0589 for the previously submitted proposal for the above address, we have now prepared a new application to address the comments enclosed in the Delegated Report.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council does not consider that the existing alterations to the dwelling including the construction of the flat roof terrace and rear dormer are lawful. However, the appeal before me relates to a proposal for the installation of a glass balustrade and glazed privacy screens. The lawfulness or otherwise of the dormer and terrace does not fall within the scope of this Section 78 appeal. I have determined the appeal on that basis. Whilst I have noted the concerns from the local planning authority over the adequacy of the plans, there is sufficient information before me at the appeal stage on which to make a determination.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with regard to outlook and privacy.

Reasons

4. No 6 Napier Road is a mid-terraced property with a loft conversion containing a bedroom. The rear roof terrace is accessed via a door in this bedroom and the proposed balustrade would be erected on this terrace to create a 1.5m deep balcony.
5. Relevant guidance is set out in the Residential Extensions and Alterations SPD2 (2018). This states, amongst other matters, that roof terraces should be designed not to overlook habitable room windows of adjoining properties and use setbacks where possible.

6. From the evidence before me it appears that the nearest window in the rear dormer extension of 8 Napier Road serves a staircase and landing and the second more distant window a bedroom. Even though the depth of the new balcony would be limited, it would nevertheless have the potential to facilitate views into both windows. That the staircase and landing is a circulatory space does not reduce my concerns in this respect, as the window serving this space leads directly off a habitable bedroom. Whilst I accept that opportunities for overlooking would be reduced by the proposed privacy screen, loss of privacy could still result when balcony users lean over the balustrade. Furthermore, although the balcony would be set back from the boundary, the proximity of its users would be intrusive for the immediate neighbours and it would increase the perception, if not the reality, of being overlooked, as well as creating a harmful sense of enclosure.
7. Unlike No 8, the opposite neighbour, 4 Napier Road, does not have a dormer extension. The nearest window which could be affected by the proposal is on the side elevation of an outrigger. This window is obscure glazed and whilst there is no information as to the nature of the room it serves, there would be no harm to living conditions of the occupiers of this property.
8. I therefore conclude that the proposal would harm the living conditions of the occupiers of 8 Napier Road with regard to their outlook and privacy. It would conflict with Policy DMP1 of the Brent Local Plan which amongst other matters seeks to ensure that development provides high levels of external amenity.

Other Matters

9. The proposal would provide additional outdoor amenity space for the family dwelling. Whilst this is a benefit of the proposal it does not outweigh the harm I have found to the living conditions of neighbouring occupiers.
10. Although there are no formal objections to the proposal, the National Planning Policy Framework requires that development creates places that provide a high standard of amenity for both existing and future occupiers. The harm that I have identified exists irrespective of whether or not objections have been received.
11. The appellant has suggested conditions to further increase the height of the glazed privacy screen and for alterations to the rear elevation of the outrigger. I do not have any details of these before me and in any event I have determined the appeal based on information that was considered by the Council at the application stage.

Conclusion

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR