

Appeal Decision

Site visit made on 10 September 2013

by **Clive Tokley MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2013

Appeal Ref: APP/T5150/D/13/2200455

13 Dyne Road, London, NW6 7XG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tavona Chihambakwe against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/0878 was refused by notice dated 11 June 2013.
 - The development proposed is a single storey ground floor extension to the side of the rear addition, alterations to the existing ground floor rear extension, a single storey ground floor side extension and a new side gate.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey ground floor extension to the side of the rear addition, alterations to the existing ground floor rear extension, a single storey ground floor side extension and a new side gate at 13 Dyne Road, London, NW6 7XG. The permission is in accordance with the terms of the application Ref 13/0878 and is subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The materials to be used for the external surfaces of the extension shall match those of the existing dwelling in colour and texture.
 - 3) The two roof lights within the extension closest to the main rear elevation of the original house shall be glazed in obscured glass and shall be non-openable. Those roof lights shall remain so glazed and non-openable.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved drawings:- P-1A, P-6B and P-7B.

Main issue

1. The main issue is the effect of the proposal on the character and appearance of the dwelling and the North Kilburn Conservation Area (CA).

Reasons

Character and appearance

2. The CA is a tightly-knit residential area comprising mainly two- and three-storey terraced and semi-detached dwellings. At the front the brick-built houses have decorated window surrounds and porches resulting in an attractive

9. The Council refers to the North Kilburn Conservation Area Design Guide but there is no indication of its status or date. The design guide indicates that within the CA single storey extensions are limited to 2.5m on the end of the outrigger of terraced properties and 3m on semi-detached properties; however the guide gives no explanation for the difference in depth. I give the design guide very limited weight.
10. Policies BE2 and BE9 of the 2004 Brent Unitary Development Plan (UDP) seek to ensure, amongst other things, that new development respects its surroundings and does not harm conservation areas. These objectives are consistent with those of the National Planning Policy Framework as regards the consideration of proposals that might potentially affect heritage assets. Subject to appropriate matching external materials, which can be controlled by condition, I consider that the proposal would not conflict with either local or national policies that seek to safeguard heritage assets.

Other matters

11. The proposal would create a flank wall extending over 8m alongside the garden boundary with No 11; however the building would have an eaves height of just over 2m and I consider that the flank wall and shallow mono-pitch roof would not unacceptably detract from the outlook at the rear of No 11. In the interests of consistency and the living conditions of the occupiers of No 11 I have imposed a condition along the lines imposed by the Council requiring the roof lights closest to that dwelling to be obscure glazed and fixed shut.

Conclusion

12. Taking account of all matters I have concluded that the appeal should succeed.

Clive Tokley

INSPECTOR



Appeal Decision

Site visit made on 16 September 2013

by **Chris Couper BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2013

Appeal Ref: APP/T5150/D/13/2201711

53 Chartley Avenue, London, NW2 7QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hamburg Management Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/1242, dated 9 May 2013, was refused by notice dated 4 July 2013.
 - The development proposed is the demolition of part of the existing outbuilding to form a new smaller outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of part of the existing outbuilding to form a new smaller outbuilding at 53 Chartley Avenue, London, NW2 7QY in accordance with the terms of the application Ref, 13/1242, dated 9 May 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Other than required by the condition below, the development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 53CR/OB1, 53CR/OB2, 53CR/OB3 and 53CR/OB4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing dwelling.

Procedural matters

2. There is an existing outbuilding in the rear garden of 53 Chartley Avenue. Planning permission was refused for the retention of that structure and an appeal against that decision was subsequently dismissed (appeal reference APP/T5150/D/12/2188159) ('the previous appeal scheme').
3. The scheme before me involves the demolition of part of the existing structure considered in the previous appeal scheme and the retention of the remainder. As the development proposed is 'the demolition of part of the existing outbuilding to form a new smaller outbuilding', it would require works to be carried out and I have dealt with the appeal on that basis.

Living conditions

10. No. 51 Chartley Avenue is at a lower elevation than the appeal site. At ground floor the dwelling has an obscure-glazed window on its rear elevation closest to the appeal site and a patio door further to the west which looks out onto the rear garden area. There are also rear-facing windows above ground floor level.
11. Whilst the proposed outbuilding would be sited on higher ground than no.51 which increases its prominence, it would nonetheless have a similar overall height to the outbuilding within the garden of no. 51. The northern flank would project approximately 1.4 meters beyond the front face of the neighbouring outbuilding at no. 51. However, in my view, the distance between the rear-facing windows in no.51 and the proposed outbuilding, and the angles of view are such that there would not be a significant adverse effect on the outlook from within that property. In addition I note that the outlook from the first floor windows is largely above the roof of the proposal.
12. Furthermore, given the limited projection beyond the front face of the neighbouring outbuilding and the similar height of the two structures, I consider that the proposal would not cause significant harm to the enjoyment of their garden by the occupiers of no. 51 as a consequence of overbearance or a significant sense of enclosure.
13. The Council states that the proposal would result in the retention of 48sqm of garden space which is just below its standard of 50sqm set out in SPG17. However, in my view, the retained garden area would be of sufficient size and configuration to provide a suitable space for residents to sit outside or hang washing, and the proposal would therefore provide acceptable living conditions within the garden for the occupiers of the host property.
14. Finally, I consider that the reasonable use of the outbuilding would not give rise to any significant loss of privacy, pollution or adverse noise impact to other residential occupiers, and given the limited height of the structure, its proportions and siting, it would not cause any significant loss of light.
15. I have considered the proposal against policy BE9 of the UDP which requires, amongst other things, that new buildings should be laid out to ensure that the relationship with other buildings promotes the amenity of the users and provides satisfactory levels of sunlight, daylight, privacy and outlook for existing and proposed residents. However, for the reasons set out above, I am satisfied that the proposal does not conflict with this policy and that the scheme before me overcomes the concerns raised by the Inspector in the previous appeal scheme.

Conclusion and conditions

16. For the reasons set out above and having regard to all other matters raised, I will allow the appeal.
17. Turning to the matter of conditions, I have noted under the Procedural Matters, that the scheme requires works to be carried out. Whilst the Council has not suggested any conditions, I have therefore imposed the standard time limit condition. In addition, I have applied the tests in Circular 11/95, and in the interests of the character and appearance of the area, I consider it necessary to impose a condition requiring that the structure be finished in materials to match the existing dwelling. Finally, for clarity and in the interests of proper



Appeal Decision

Site visit made on 2 September 2013

by **David Leeming**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2013

Appeal Ref: APP/T5150/C/13/2195451

19 Watford Road, Wembley HA0 3ET

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Wasim Khan against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/12/0773.
 - The notice was issued on 15 February 2013.
 - The breach of planning control as alleged in the notice is the construction of an unauthorised building at the rear of the premises.
 - The requirements of the notice are: Demolish the unauthorised building in the rear garden of the premises and remove all items, material and debris arising from this demolition from the premises.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed and it is directed that the enforcement notice be quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. Neither party was present at the arranged time for the site visit. However, it was possible to view the appeal building and neighbouring outbuildings from the access lane alongside. The appellant did subsequently turn up and opened the side door, enabling a view into the building to be obtained. This provided confirmation, as I had observed previously from looking through the rear window, that the outbuilding was being used for a significant level of storage. No discussion on the merits of the appeal took place in the presence of the appellant and no prejudice has arisen as a result of the non-attendance of a representative of the Council at the site visit. The Council have confirmed that they have no objection to the issue of the decision.

Main Issues

3. The first main issue is the effect of the development on the character and appearance of the area. The second is its effect on the living conditions of neighbours in respect of outlook.

David Leeming

INSPECTOR