



Appeal Decision

Site visit made on 9 June 2014

by **Megan Thomas BA(Hons) in Law, Barrister**

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

Decision date: 30 June 2014

Appeal Ref: APP/T5150/A/14/2215074

147 Uxendon Hill, Wembley HA9 9SH

- 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 Ramanathan Rudra against the decision of the London Borough of Brent.
 - The application Ref 13/1919, dated 15 July 2013, was refused by notice dated 5 November 2013.
 - The development proposed is the conversion of existing dwellinghouse into 1 x three-bedroom and 1 x one-bedroom flats with associated external alterations to the front and rear.
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Procedural Matter

1. An amended plan has been submitted as part of the appeal. Plan no. 4545/2 Rev B shows a one bedroom unit in the eastern end of the house and a three bedroom unit in the western end. The plan upon which the planning application was determined showed a two bedroom unit in the eastern end and a three bedroom unit in the western end. Plan no. 4545/2A is superseded. As the amended scheme involves a less intensive proposal with fewer bedrooms and no other material changes, I do not consider anyone is prejudiced by this plan being considered at this appeal. Accordingly, I have treated it as an appeal plan.
2. Given the above change in the scheme I consider it is more accurate to use the description of the development sought used in the decision notice, but amended to reflect plan no. 4545/2B. Therefore, I have used the description "Conversion of existing dwellinghouse into 1 x three-bedroom and 1 x one-bedroom flats with associated external alterations to the front and rear" in the heading above and in the formal decision.

Decision

3. The appeal is allowed and planning permission is granted for the conversion of existing dwellinghouse into 1 x three-bedroom and 1 x one-bedroom flats with associated external alterations to the front and rear at 147 Uxendon Hill, Wembley HA9 9SH in accordance with the terms of the application, Ref 13/1919, dated 15 July 2013, subject to the following conditions:
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- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4545/2B stamped received 13 March 2014 (and showing a 3 bedroom flat and a one-bedroom flat), 4545/1 (existing layout), Red line Location Plan (1:1250 scale).
- 3) Prior to the occupation of the development hereby permitted, the vehicular crossover shall be extended in accordance with the details shown on plan no.4545/2A and shall be permanently retained thereafter.
- 4) A scheme for landscaping the front garden area shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details. The approved scheme shall be completed during the first available planting season following completion of the development hereby permitted. Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species.

Main Issues

4. The main issues are the effect of the proposal on the living conditions of the future occupants of the one bedroom unit by reason of the size and quality of *internal floorspace provided*; the effect on the provision of family housing in the Borough; and the effect on the character and appearance of the area from the proposed subdivision of the rear garden.

Reasons

Living conditions of future occupants of one-bedroomed flat

5. The appeal site is a two storey semi-detached house located on the north side of Uxendon Hill adjacent to the boundary of Barn Hill Open Space. The property has been extended to the side and rear with single storey rear extension, a two storey side extension which extends to the side and rear of the property and a single storey front extension.
6. There is off-street parking in the front forecourt area. The rear garden is about 245sqm. The existing dwelling has a gross internal floorspace of about 152sqm.
7. The surrounding area is residential in character and comprised mainly of two storey semi-detached dwellings of fairly uniform appearance.
8. The proposed development would split the house vertically into two units of accommodation. There would be some resulting changes to fenestration and doors. The smaller unit would be within the eastern end of the property within the existing side and rear extension to the dwelling. It would have a floorspace of about 55sqm. The remaining portion would be a three bedroom dwelling with a floorspace of about 97sqm.

9. I have explained above why the amended plan should be permitted in evidence in this case. It shows one bedroom and a bathroom on the upper floor of the smaller unit. With a floorspace of about 55sqm, this flat would exceed the minimum space standard for a one bedroom two person flat found in the London Plan 2011 at Table 3.3. That minimum is a gross internal area of 50sqm. Looking at the room sizes and arrangement of the proposed flat overall including the fact that it would be on two storeys, I consider that the living conditions for future occupants of the proposed one bedroom unit would be acceptable and the floorspace useable and accessible. There would be no conflict with policy 3.5 of the London Plan 2011 or policy BE9 of the Brent Unitary Development Plan 2004 'UDP'.

Potential loss of family accommodation

10. Policy CP21 of the London Borough of Brent Core Strategy 2010 'CS' and policy H17 of the UDP indicate that there was and is a shortage of family sized accommodation in the Borough and they seek to protect the stock. H17 states that the conversion of a dwelling with an original floor area of less than 110sqm to flats will not be permitted. Paragraph 5.14.5 of the supporting text explains that the aim of this approach is to prevent the loss of small, family accommodation.
11. In this case 147 Uxendon Hill had an original unextended floorspace of broadly about 76sqm and therefore converting it into smaller units would be in breach of policy H17. I note that Table 3.3 of the London Plan indicates minimum space standards for a 3 bedroom 6 person flat of 95sqm (GFA), a 3 bedroom 5 person flat of 86sqm (GFA) and a 3 bedroom 4 person flat of 74sqm (GFA). For two storey houses minimum space standards are 3 bedroom 5 person - 96sqm (GFA) and 3 bedroom 4 person - 87sqm. With all those standards in mind, the larger unit would be a reasonably good size at about 97sqm. In addition to that, the size and arrangement of rooms would be commensurate with creating a well-designed home environment composed of spaces that would be attractive, useable by a family and accessible. The Council have not argued that there is a clear specific need to keep 5-bedroomed houses as 5-bedroomed houses in the Borough. It is clear from the supporting paragraphs to policy H17 that the Council want to encourage conversion activity as long as the units so created form satisfactory dwellings and small purpose built family dwellings are retained. A family dwelling would be retained as part of the proposed scheme and, as a whole, the use of no.147 would not be over-intensive.
12. Therefore in the particular circumstances of this case, those factors taken together lead me to conclude that the breach of policy H17 is outweighed. The proposed scheme would continue to provide a family unit and it would provide a one-bedroom unit in addition. On this second issue, I conclude that the dwelling is of an adequate size to be sub-divided into two units. Family accommodation would not be lost.

Subdivision of the garden

13. The proposed scheme involves dividing the rear garden into two plots with a fence along the common boundary, giving each a linear-shaped rear amenity area. Policy H18 of the UDP aims to retain rear gardens without subdivision

where possible. From my site visit I observed that the rear gardens of dwellings to the west of the appeal site are of a broadly even size. However, the character and appearance of the area visible from the public realm is formed principally by the front elevations of dwellings and the streetscene. Even though the appeal site borders an area of open space, it would be difficult to perceive from the public realm that the garden had been sub-divided. Whilst plot sizes would be generally larger than the ones formed by the proposed development I do not consider that the essential character of suburban housing would be eroded in this case. Any perceived harm would not be sufficient to warrant refusal of permission. On this issue, I conclude that the proposal would not materially harm the character or appearance of the area and the aims of policies CP17 of the CS and H18 of the UDP would be protected.

Other Matters

14. I have determined this appeal on its own individual merits as I am obliged to do and I do not consider it would set a harmful precedent given its particular characteristics.

Conditions

15. I have considered the imposition of conditions in the light of Practice Guidance and Annex A of Circular 11/95 *The Use of Conditions in Planning Permissions* and where appropriate used model wording. In the interests of highway safety I have imposed a condition requiring the crossover to be extended so that each parking space can be accessed independently. To protect the character and appearance of the area I have attached a landscaping condition. For the avoidance of doubt and in the interests of proper planning and owing to the need for only one-bedroom to be provided in the smaller unit I have imposed a condition which ties the development to the approved plans.

Conclusion

16. Having taken into account all representations made, I allow the appeal.

Megan Thomas

INSPECTOR

Appeal Decision

Site visit made on 30 May 2014

by **Les Greenwood MRTPI**

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

Decision date: 17 June 2014

Appeal Ref: APP/T5150/A/14/2214606

Woodoven Pizza, 391 Kilburn High Road, London NW6 7QE

- 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 Sabah Ahmed against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/2803, dated 19 September 2013, was refused by notice dated 9 December 2013.
 - The development proposed is decking in front of a pizza shop.
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Decision

1. The appeal is allowed and planning permission is granted for decking in front of a pizza shop in accordance with the terms of the application Ref 13/2803, dated 19 September 2013.

Main issues

2. The main issues are the effects of the proposal on: (i) the character and appearance of this part of Kilburn High Road; and (ii) the use of the public highway by pedestrians.

Reasons

Character and appearance

3. Kilburn High Road a lively commercial high street, with a wide variety of shops, restaurants and other businesses spilling out onto the wide pavements. The proposed wooden decking is already in place, extending well out from the front of the restaurant, and is partly enclosed by solid timber walls. The Council suggests that these are higher than the 1.2m specified on the submitted plans. However, no alternative measurement is submitted and the specified height appears to me to be reasonably accurate.
 4. A large number of other premises are making use of about the same width of pavement for seating and for the display of goods in various arrangements, some of which seem semi-permanent in their construction like the appeal decking. Although this is a more substantial structure than some, the use of timber walls here does reflect the design and construction of other outdoor
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seating areas. In this context the appeal development appears fully in character with the area.

5. I conclude that the appeal proposal does not harm the character and appearance of this part of Kilburn High Road. It therefore accords with the aims of Policies BE2, BE9 and SH23 of Brent Unitary Development Plan 2004 (UDP) to ensure that proposals should provide an appropriate design solution, having regard to their local context and avoiding harm to local character and appearance. This is in line with the National Planning Policy Framework's (NPPF's) emphasis on high quality design.

Pedestrian use of the public highway

6. The Council suggests that the appeal development lies at least partly within the public highway, but again produces no evidence for this. In the absence of any such evidence, I leave this matter to separate legislation regarding the use and obstruction of the public highway by forecourt trading.
7. The NPPF (paragraph 35) and the recently published national planning practice guidance (Ref ID: 26-008-20140306) make it clear that the needs of vulnerable road users such as pedestrians should be given priority in highways design. UDP Policy SH23 furthermore aims to ensure that forecourt trading does not cause obstruction to pedestrians, including users of prams and wheelchairs. Kilburn High Road carries heavy pedestrian flows. The free movement of people on the pavements is important to the function and sustainability of the street and the local area.
8. The area of decking here is, however, very similar to the areas already being used by neighbouring traders, so that the line of the pavement useable by pedestrians is consistent. There is a pinch point caused by a tree and bicycle parking stands opposite the appeal site, so that the pavement does narrow to less than 3m in width, below the standard of 3.5m set out in the Council's Supplementary Planning Guidance 13 *Layout Standards for Access Roads*, which applies to roads fronted by shops in a town centre. However, that standard appears to be general guidance and makes no specific allowance for pinch points. Such minor narrowings are commonplace on Kilburn High Road and I see no reason why this particular situation should cause unacceptable obstruction.
9. I conclude that the proposal does not unduly interfere with or obstruct the use of the public highway by pedestrians, in line with the above-mentioned policies.

Conclusion

10. The Council suggests no conditions and I see the need for none. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

Appeal Decision

Site visit made on 27 May 2014

by **Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**

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

Decision date: 24 June 2014

Appeal Ref: APP/T5150/A/14/2215092

Workshop rear of 18 Craven Park, London NW10 8TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant subject to conditions of consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr G Moran against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/2842, dated 16 December 2013, sought approval of details pursuant to condition 5 of a planning permission Ref 09/3055, granted on 10 January 2011.
 - The development proposed is the erection of a 3 storey building comprising of 3 self contained flats (2 x two bedroom and 1 x one bedroom), provision of 2 off-street car parking spaces, cycle store and associated landscaping.
 - The condition in dispute is No 5 which states that: Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.
 - The reason given for the condition is: To ensure a satisfactory development which does not prejudice the amenity of the locality.
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Decision

1. The appeal is allowed and the material details submitted pursuant to condition 5 attached to planning permission Ref 09/3055 granted on 10 January 2011 in accordance with application Ref 13/2842 dated 25 September 2013 and the plans submitted with it are approved.

Procedural Matters

2. The Council's decision refers to condition 3 (materials) of planning permission Ref 09/3055. It is clear from the submitted evidence that this reference is incorrect and the materials condition in dispute is No 5. Both main parties have proposed this change and for the purposes of clarity, I have corrected this in my decision.
3. To satisfy this condition 5, samples of brick, roofing, windows and doors were submitted. The condition required approval of such details by the local planning authority before development commenced. On my site visit, the building had been built without the approval of the local planning authority and thus the appeal has been considered on this basis.
4. The building has been constructed with a yellow stock brick similar to the samples submitted which the Council have raised no objection to. In this regard, I am satisfied that this aspect of the proposal would cause no material

harm, and would not conflict with any development plan policies I have been referred to. It is the submitted roof tile, a Marley Eternite Thrutone Fibre cement slate and the submitted window and door sample, a small section of uPVC frame, which are contested. I shall therefore confine my detailed considerations to these materials.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

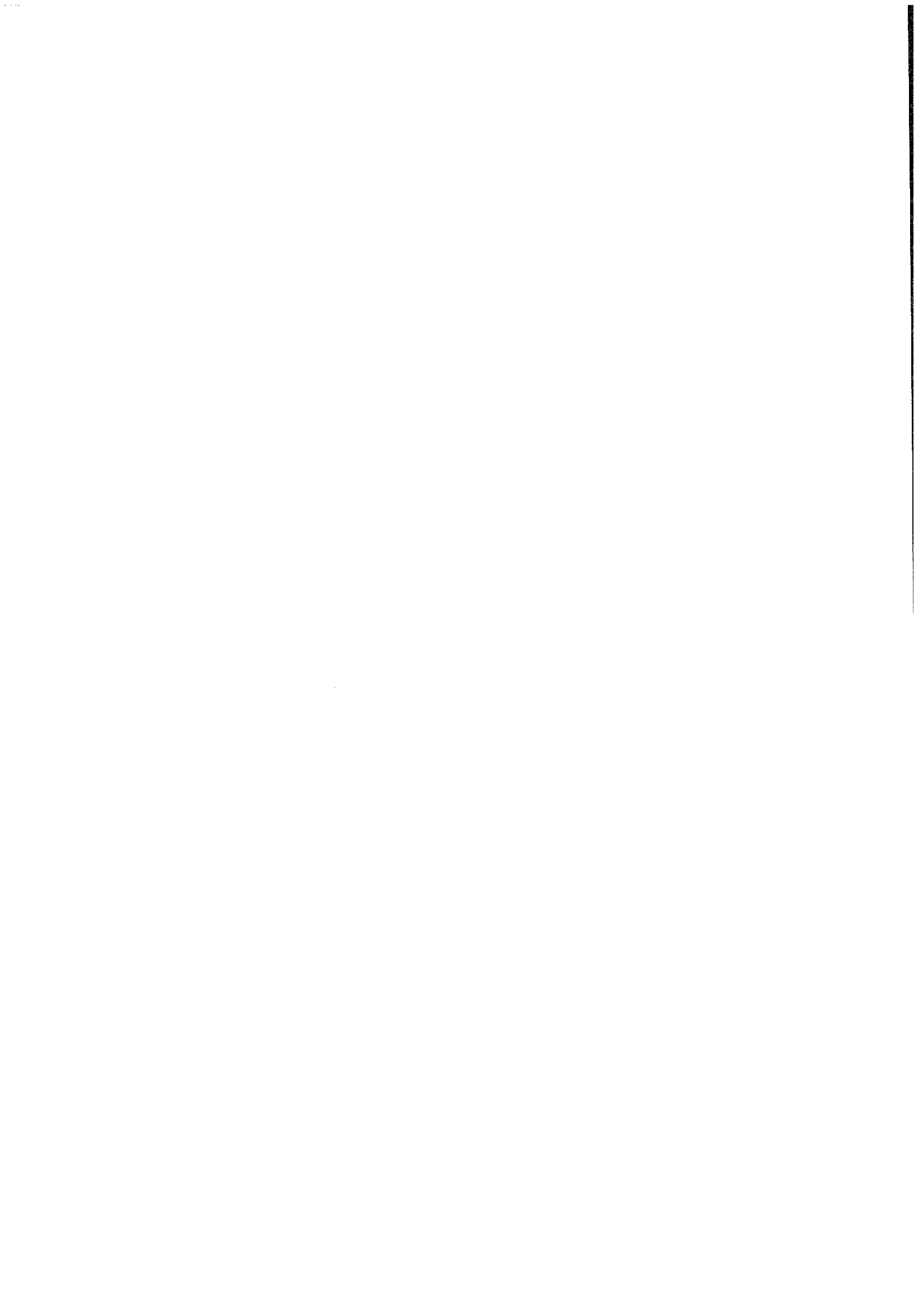
6. The appeal site comprises a three storey building which faces onto Park Road. The building has a contemporary design with a recessed second floor and a low pitched roof above. The surrounding older residential buildings along Park Road are Victorian in appearance and character, and many have retained their original slate roofs and timber sash windows. The building also flanks onto a similarly traditionally designed property at 18 Craven Park.
7. The cement slate is larger and has a more machine made appearance compared to the natural slate used on many of the older dwellings in the surrounding area. However the cement tile is in keeping with the contemporary appearance of the building. Furthermore, any difference in the appearance of the cement slate with the natural slate because the roof is designed with a low pitch and the main eaves line is higher than those on neighbouring properties. Consequently, there are only limited views from the street below and immediately surrounding the appeal site whilst views of the tile beyond this are distant where differences with natural slate will not be noticeable. The tile has also been used on a cycle store but any visual impact would be limited because this building is located to the rear of the site with a small roof area.
8. The window and door frames have different profiles and design compared to the older dwellings in the surrounding area where their original features have been retained. However, the design of these older buildings is more detailed which the simpler contemporary design of the appeal building is not seeking to imitate. It is appreciated that the Council are not requiring timber sash windows but the windows and doors used do not have an overtly inelegant appearance. Moreover, the frames and bars across the glass are well-proportioned and thus do not dominate the contemporary designed building or look out of place with the more traditionally designed fenestration in the street. Again, the opening nature of the windows is different to those on older properties, but for similar reasons, they are in keeping with the contemporary appearance and character of the appeal building.
9. In conclusion, the proposal would not the harm the character and appearance of the surrounding area. Accordingly, the development would comply with Policy BE9 of the Brent Unitary Development Plan, which amongst other matters, requires new buildings to exhibit a consistent and well-considered application of the principles of any chosen style and employ materials of a high quality that are compatible to the surrounding area. The materials would also be durable high quality materials complying with the Brent Supplementary Planning Guidance 17 titled Design Guide for New Development for the reasons referred to.

Conclusion

10. For the reasons given above, I conclude that the appeal should succeed and that the approval be given to the details pursuant to this disputed condition.

Jonathon Parsons

INSPECTOR



Appeal Decision

Site visit made on 2 June 2014

by **M J Single Dip TP MRTPI**

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

Decision date: 30 June 2014

Appeal Ref: APP/T5150/A/14/2215959
40 Byron Avenue, London, NW9 0EP

- 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 Mitesh Versani against the decision of the Council of the London Borough of Brent.
 - The application Ref 14/0087, dated 11 January 2014, was refused by notice dated 10 March 2014.
 - The development proposed is the construction of a new end of terrace house following demolition of a domestic garage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new end of terrace house following demolition of a domestic garage at 40 Byron Avenue, London, NW9 0EP, in accordance with the terms of the application ref. 14/0087, dated 11 January 2014, subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following plans: site location plan; 3071/PD01 Rev B, 3071/PD02 Rev A and 3071/PD03 RevA.
 3. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the existing dwelling, no. 40 Byron Avenue.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development permitted under article 3 and described within Classes A-E of Part 1 to Schedule 2 shall take place on the new dwelling.

Main Issue

2. There is one main issue in this appeal namely whether the development would have a detrimental impact on the character of Byron Avenue.
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Reasons

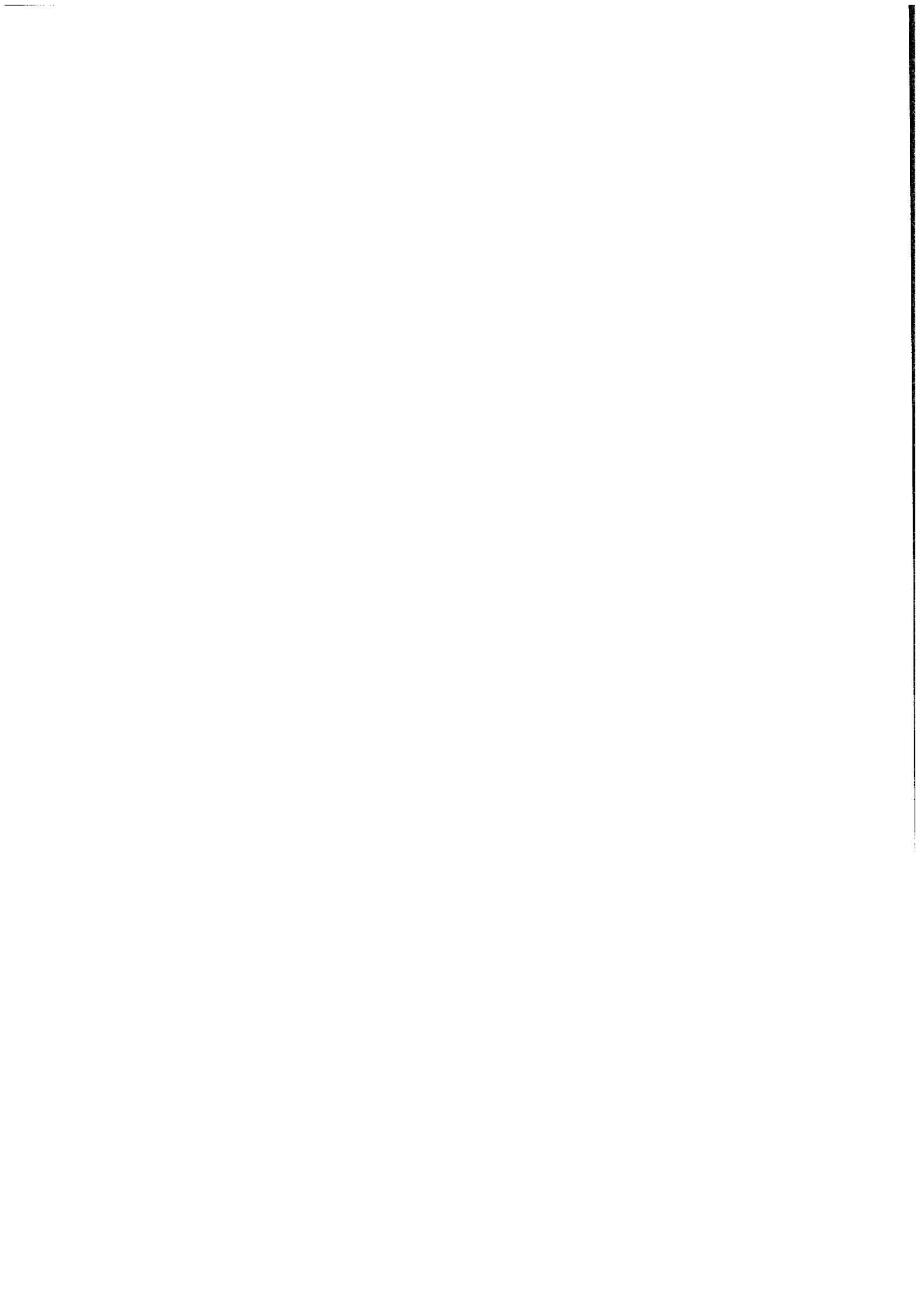
3. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions are made in accordance with the provisions of the development plan unless material considerations indicate otherwise. The Council asserts that the development would be contrary to Policy BE9 of the adopted Brent Unitary Development Plan 2004 (UDP) in that the addition of the proposed dwelling on to the end of an existing terrace of four dwellings would harm the uniform character of Byron Avenue.
4. Byron Avenue and neighbouring streets on this extensive estate are characterised by terraced blocks comprising either four or six dwellings. Whilst it originally had a uniform appearance it is evident that a substantial number of properties have been subjected to limited alterations and additions that provide some more variety to the street scene. I found that uniformity on such a large scale has led to a very monotonous suburban townscape. The Council refers to the existing style, with each end property having a gable on the front elevation over ground and first floor bays, as 'bookends' and it is anxious to avoid disruption to this standard form.
5. The appeal property is in a position that distinguishes it from other similar dwellings in the street. It has a large space at the side occupied by a concrete double garage of a style that is uncharacteristic of Byron Avenue, beyond which are the rear gardens of dwellings in North Way. As a consequence it is in a prominent position at the entrance to Byron Avenue from North Way.
6. The Council considers the proposal to be contrary to the design principles set out in its Supplementary Planning Guidance *Altering and Extending Your Home* (SPG5), in that the proposal would be of excessive width and a bulky addition. The appellant considers this should not apply as this is not a house extension as such but a new dwelling, and that SPG17 *Design Guide for New Development* would be more applicable. Nevertheless, whilst SPG5 does not apply strictly to this form of development, an expectation of a high standard of design remains a valid general objective, as set out in SPG17 and in Policy BE9 which looks, amongst other matters, for creative and appropriate design solutions.
7. I take a different view to the Council on whether this proposal would be acceptable. In my view it would represent an innovative use of the relatively wide space at the side of no. 40 currently occupied by a garage. The appellant has put forward a design that would attach well in design terms to the existing dwelling, replicating design, materials and features of the terrace. It would, like a number of side extensions to dwellings in Byron Avenue and neighbouring streets, be set back from the front of the existing dwelling and its roof height would be lower than the ridge on the remainder of the terrace. It would contribute to the appearance of the street scene and would not harm the appearance of the terrace. The estate as a whole is still dominated by terraces of four or six dwellings of very similar appearance. The presence of this one dwelling, of a slightly different style, would not detract from the overall character of the area or Byron Avenue in particular. Whilst it would undoubtedly be wider than other side extensions that have been built I attach little weight to that fact. It would have a frontage width similar to no. 40 and

other properties in the street and create an attractive feature in the street scene.

8. The proposal would make use of a space that currently does not represent an efficient or effective use of land. There would be no objection in principle, or in policy terms, to the erection of a domestic extension in this space and there is no sound reason why the space cannot be occupied by a separate dwelling. There is now a well publicised need to provide more homes in London including Brent and the appeal proposal would make a small contribution. I conclude that the development would not have a detrimental impact on the character of Byron Avenue and would not conflict with saved UDP Policy BE9 or the aspirations of the National Planning Policy Framework or Planning Practice Guidance to secure a high standard of design in all development. It would provide a new dwelling in a sustainable location with relatively good access to public transport, schools and other facilities.
9. The Council has put forward conditions for my consideration in the event that the appeal is allowed. I have included the standard time condition and conditions specifying the approved drawings (for the avoidance of doubt) and that external facing materials to be used should match those used in no. 40 Byron Avenue.
10. I consider several of the conditions proposed by the Council to be unnecessary or require an unreasonable amount of detail for such a proposal. These include the condition relating to 'even sight lines' between windows, the purpose of which is unclear. Likewise the submission of guttering details would be excessive, as would the requirement to submit a full landscaping scheme for a development involving a single dwelling in this position.
11. The Council proposes duplicate conditions requiring the widening of the vehicle crossover to 6.2 metres, as required by the Local Highways Authority. This is odd as the proposals show the existing access onto the highway to be reduced from 7.0 metres to 6.5 metres, which would be satisfactory for this form of development, having no adverse impact on a relatively quiet suburban street.
12. Finally, the Council propose a condition removing all permitted development rights from the proposed dwelling. I consider this to be unreasonable but, having regard to the relatively modest size of the rear amenity space, it would not be inappropriate for the Council to be in a position to maintain some control over possible future extensions, alterations or incidental structures under Classes A to E of the Town and Country Planning (General Permitted Development) Order 1995.

Martyn Single

INSPECTOR



Appeal Decision

Site visit made on 9 June 2014

by **Megan Thomas BA(Hons) in Law, Barrister**

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

Decision date: 11 June 2014

Appeal Ref: APP/T5150/D/14/2215867
19 Woodcock Dell Avenue, Harrow HA3 0PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph 4A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr P S Varughese against the decision of the London Borough of Brent.
 - The application Ref 14/0365, dated 31 January 2014, was refused by notice dated 12 March 2014.
 - The development proposed is a single storey 7 metre deep rear extension.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)(GPDO) for a single storey rear extension at 19 Woodcock Dell Avenue, Harrow HA3 0PW in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural matter

2. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises - taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The description of development proposed seeks a 7 metre deep extension but, as referred to below, there is an existing rear extension. To avoid confusion, in the Decision above I have used only the words "single storey rear extension".

Reasons

4. The appeal site is a single storey detached bungalow located on a quiet residential road in Harrow. 17 Woodcock Dell Avenue is located to the north west of the appeal site and 21 Woodcock Dell Avenue to the south east. Both those dwellings are bungalows and the building lines of all three dwellings at the front are very similar. The appeal site has been previously extended at the rear with a full width flat roofed extension. The proposed addition would result in the dwelling extending about 7 metres from the original dwellinghouse at the

rear. The proposed addition would be about 4.4 metres deep. It would have a flat roof at the same height as the previous extension. It would step in from the flank walls of the main dwelling (and previous extension) on each side by about 1.1 metres.

5. No.21 Woodcock Dell Avenue has a building line at the rear which is approximately in line with the original rear elevation of the appeal site bungalow. In its rear elevation it has patio doors, a small slit window and a larger window. There is a low close-boarded fence on the common boundary. The proposed extension at the appeal site would be about 3m in height with a flat roof and would step in from the boundary by about 2 metres. This combination would be sufficient to avoid any undue sense of enclosure that the occupants of no.21 might experience when in the house or using the garden. Moreover, the patio doors at no.21 are located towards the eastern side of the rear elevation away from no.19. The proposed step-in and 3m height would also allow sufficient light to reach the rear windows and garden of no.21.
6. The common boundary between the appeal site and no.17 also has a wooden fence but it is of a height which typically precludes views into the garden or rear rooms of no.17. There are also a number of shrubs and small trees in the vicinity of the common boundary which impede any overlooking, although in the winter months the cover may reduce. The proposed extension would be located about 2m from this common boundary and the occupants of no.17 would not experience any material loss of outlook from the garden or the rear rooms.
7. The proposal would not have any fenestration in the flank walls and therefore there would be no views from it directly into the gardens of nos 17 or 21.

Conclusion

8. Consequently, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (10), (11) and (12) that the development shall be completed on or before 30th May 2016 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Megan Thomas

INSPECTOR



Appeal Decision

Site visit made on 25 June 2014

by **Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

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

Decision date: 27 June 2014

Appeal Ref: APP/T5150/D/14/2218794
103 Rucklidge Avenue, London, NW10 4QB

- 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 N Pettit against the decision of the Council of the London Borough of Brent.
 - The application Ref 14/0896, dated 11 March 2014 was refused by notice dated 6 May 2014.
 - The development proposed is 1st floor part rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for 1st floor part rear extension at 103 Rucklidge Avenue, London, NW10 4QB in accordance with the terms of the application, Ref 14/0896, dated 11 March 2014, and the plan submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 103RR/P01.
 - 3) The first floor rear extension hereby permitted shall not be used to facilitate the creation of a roof terrace on the roof of the single storey rear projection for the lifespan of the development.

Main issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring residents by reason of outlook.

Reasons

3. The appeal site is a mid terrace house with a single storey flat roofed extension at the rear. At the time of my visit it was undergoing refurbishment works. The proposal is for a first floor extension over the existing rear extension to accommodate an ensuite shower room.
4. The National Planning Policy Framework (the Framework) requires that development proposals should be determined in accordance with an up to date development plan. The development plan relevant in this case is the Brent Unitary Development Plan, adopted in 2004 (the UDP). Saved policy BE9

requires, among other things, new extensions to be of a scale which provides a satisfactory level of outlook for existing residents.

5. The Council's SPG5 *Altering and Extending Your Home* adopted in 2002 offers detailed guidance for the design of extensions. This includes a 1:2 rule for two storey extensions, whereby the depth of any extension is restricted to half the distance between the side wall and the middle of the nearest window of a habitable room in neighbouring properties.
6. I consider that the proposal is modest in size and scale and would result in an improvement in the standard and convenience of the living accommodation, since the existing main bathroom of the house is at the rear of the ground floor extension beyond the kitchen.
7. I saw during my visit that there is a window at first floor level in the adjoining property, No. 101, which appears to serve a habitable room. I am not convinced that the plans submitted with the application accurately show the dimensions of the width of this window and its distance from the boundary, and consequently the extent to which the proposal breaches the 1:2 rule. In my opinion, even if the proposal were to breach the rule, it would be a relatively minor breach as the depth of the extension would not be great, and the impact on the outlook from No. 101 would not be significant.
8. I understand that the flat roof of the extension has been used unlawfully as a terrace with trellising around the edge, although it is unclear how long it has been in that use and whether it could have gained lawful status. I consider that the proposed en suite would be an improvement on the use of the roof as a terrace.
9. I conclude that the proposal would not harm the living conditions of neighbouring residents in terms of their level of outlook. It would be consistent with the Framework and would not conflict with UDP policy BE9.
10. For the reasons given above and having regard to all matters raised, the appeal is allowed.

Conditions

11. I have considered the conditions put forward by the Council, having regard to the six tests set out in the Framework. I consider that a condition precluding the use of the extension as a means of access to the flat roof is necessary and reasonable in order to protect the privacy of neighbouring residents. A condition detailing the plans is required because it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

PAG Metcalfe

INSPECTOR