

Appeal Decision

Site visit made on 8 November 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 16 November 2016

Appeal Ref: APP/M5450/D/16/3154900

40 Pinner Green, Harrow, Middlesex HA5 2AA

- 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 Miss Jayna Kothary against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2583/16, dated 20 May 2016, was refused by notice dated 19 July 2016.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 40 Pinner Green, Harrow, Middlesex HA5 2AA in accordance with the terms of the application ref P/2583/16 dated 20 May 2016, 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 plans: Site Plan, P1, P3, P4, P8.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupants, with particular regard to outlook.

Reasons

3. The appeal site is located within a terrace of two storey residential properties which are characterised by two storey outriggers to the rear elevations. The development would create a single storey rear extension which would infill the space between the existing outrigger and the south-west boundary of the property.
 4. The proposed extension would have a depth of around 3.5m and would project to meet the line of the north-west elevation of the outrigger. Whilst this would exceed the depth of 3m that they consider would be acceptable in this
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- instance, the Council are satisfied that the proposal would be proportionate to the existing building, and would respect its character and appearance.
5. The Council's concern, however, relates to the impact of the development on the living conditions of occupants at the neighbouring 42 Pinner Green. The window of a habitable room is located in the rear elevation of No 42, adjacent to the site of the proposed extension. Whilst there is a boundary wall in place between the two properties, the new south-west wall of the extension would be higher than the existing wall, at a total height of around 3m.
 6. The main outlook from the window at No 42 is towards the north-west along the garden, and this would not be changed by the proposed extension. However, the raising of the adjacent wall in close proximity to the window would lead to an increase to the sense of enclosure for the neighbouring occupants. In my view, this would cause some minor, although not unacceptable, harm to the living conditions of the occupants at No 42.
 7. I have had regard to the circumstance that an extension of a depth of 3m could be constructed in this location without the need for planning permission. There is no reason to assume that the appellant would not implement such a scheme if I were to dismiss the appeal. I envisage that the difference in the effect between a 3m and a 3.5m extension on the outlook from, and enclosure to, the property at No 42 would not be readily perceptible. I therefore attach significant weight to this fallback position.
 8. Amongst other things, Policy DM 1 of the Harrow Council Development Management Policies (DMP, July 2013) indicates that proposals should have regard to the impact on neighbouring occupiers. The Council's document entitled 'Supplementary Planning Document - Residential Design Guide' (SPD, December 2010) also seeks to protect the amenity of neighbours. Policy 7.4(B) of the London Plan (LP, March 2015) requires structures to make a positive contribution to the character of places. Policy CS 1 of the Harrow Core Strategy (CS, February 2012) seeks, amongst other things, that development should respond positively to the local context.
 9. The proposal would conflict with LP Policy 7.4 and CS Policy CS 1 insofar as it would not have a positive impact on No 42. The proposal would also conflict with DMP Policy DM 1 and the SPD insofar as it would curtail the outlook from No 42 to a degree, giving rise to some additional enclosure. However, I have found that this impact on the living conditions at No 42 would not be unacceptably harmful. The proposal would thus comply with LP Policy 7.6(B) of the insofar as it requires new structures not to cause unacceptable harm to the amenity of surrounding land and buildings. In view of my findings on the impact on living conditions, and bearing in mind the fallback position of an extension of 3m, I therefore conclude that the withholding of planning permission would not be justified in this instance.

Conditions

10. I have had regard to the conditions suggested by the Council. For certainty, it is necessary that the development is carried out in accordance with the approved plans. A condition relating to materials is appropriate in the interests of character and appearance.

Conclusion

11. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

Elaine Gray

INSPECTOR