
Appeal Decision

Site visit made on 24 October 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/M5450/D/16/3157289

30 Wimborne Drive, Harrow, Pinner HA5 1NQ

- 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 James Ralph against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1263/16, dated 15 March 2016, was refused by notice dated 2 June 2016.
 - The development proposed is a single storey extension to rear, side and front of existing property in order to gain extra living space for a growing family.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development proposes a single storey front, side and rear extension. The Council considered the development acceptable, with the exception of the rear extension which was considered to have an impact on the living conditions of the neighbours. It is the rear extension, therefore, that is the subject of this appeal.

Main Issue

3. This is the effect of the proposal on the living conditions of the occupiers of No 32 Wimborne Drive, with particular regard to outlook and light.

Reasons

4. The appeal site adjoins No 32 Wimborne Drive. On the shared boundary between the two properties is a close boarded fence. Nearest to this fence and at ground floor level at No 32 is a window to a habitable room with views down the rear garden. Adjacent to this window and further away from the shared boundary is a single storey rear extension with windows that face towards the appeal site and down the garden.
 5. The close boarded fence encloses views from the ground floor living space at No 32, not least because of its proximity to the window nearest to the shared boundary and because it is within the direct line of sight from the side window within the existing single storey rear extension. The fence has less of an impact on levels of light given that the windows are exposed to natural daylight.
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6. The proposed extension at No 30 would be four metres in length and would be on the boundary with No 32. Four metres would be contrary to the three metres recommended within the Council's SPD¹. The extension would also exceed the height of the fence on the shared boundary. Consequently the development would be visible within views from the neighbouring living spaces at No 32. The combined length and height of the extension on the boundary with the neighbouring property would add to the sense of enclosure already experienced at No 32. This in turn would create living spaces with a compromised outlook and that would feel oppressive to be within. As a result the proposal would be harmful to the living conditions of the occupiers of No 32, contrary to policy 7.6B of the London Plan² and policy DM1 of the Local Plan³ which require development to not cause unacceptable harm to the amenity of surrounding buildings including neighbouring occupiers.
7. The Council raises concern that the development would result in a loss of light for the occupiers of the neighbouring property but no justification is given for this concern. The extension would exceed the height of the fence and would be within the sun's path from east to west. On this basis I have no doubt that the extension would create some overshadowing to the outdoor space at No 32 and without any evidence to demonstrate otherwise, would cast shadow across the windows at ground floor level at No 32, which in turn would reduce the levels of sunlight into the internal living spaces. This in turn would create gloomier living spaces and reduce the quality of the internal living environment for the occupiers of No 32. I recognise that the window at No 32 which faces the appeal site would be some distance from the proposed extension and the living space behind the window nearest the shared boundary would receive light from its orientation facing north. Whilst I have no doubt that these factors would ensure that daylight was not entirely obscured, the development would continue to have a discernible effect on levels of sunlight into the internal living spaces to be of concern.
8. I have found, therefore, that the development would be harmful to the living conditions of the occupiers of No 32 Wimborne Drive, with particular regard to outlook and light and therefore would be contrary to policy 7.6B of the London Plan, policy DM1 of the Local Plan and the SPD.

Conclusion

9. For the above reasons, the proposed development would be contrary to the development plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR

¹ Harrow Council, Residential Design Guide (Adopted 15 December 2010) (SPD)

² The London Plan (adopted March 2015)

³ Harrow Council Development Management Policies (July 2013)