
Appeal Decision

Site visit made on 7 November 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/M5450/D/16/3157293

79 Windsor Crescent, South Harrow, Harrow, Middlesex HA2 8QN

- 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 A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms Bimke Dede against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2404/16, dated 11 May 2016, was refused by notice dated 20 August 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) 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.

Reasons

3. Schedule 2, Part 1, Paragraph A.4 of the GPDO allows for the enlargement, improvement or other alteration of a dwelling house. Until 30 May 2019, paragraph (g) of that Class makes provision, subject to conditions, for single storey rear extensions up to 6 metres in length and 4m in height for properties other than detached dwellings. The appeal proposal is for a ground floor rear extension to a mid-terraced property. It would extend beyond the rear wall of the original dwelling by 6 metres with a maximum height of 3 metres and have an eaves height of 2.85 metres.
 4. The Council notified the occupiers of the neighbouring properties of the proposal and objections were received from the occupants of 77 and 81 Windsor Crescent. Prior approval was subsequently refused.
 5. No 79 Windsor Crescent is a 2-storey, mid-terrace dwelling sited on the eastern side of Windsor Crescent. The appeal property has been enlarged with a rear conservatory which abuts the boundary with No 77. The neighbouring dwelling
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- at No 77 has a similar sized conservatory on the same boundary, although this spans the whole width of the rear of No 77.
6. The proposal would introduce a structure which is double the length of the existing conservatory structure along the boundary with No 77. However, due to the position of the proposal and its orientation relative to No 77, I do not find that it would give rise to any significant loss of light or overshadowing. In relation to outlook, as the proposal would only extend 3 metres beyond the end of the conservatory at No 77, and taking into account the existing boundary treatment, I do not consider that outlook from the conservatory or patio area would be significantly affected. As such, the proposal would not result in substantial harm to the level of amenity enjoyed by the occupiers of No 77.
 7. Turning my attention to No 81, this neighbouring dwelling has a modest sized rear extension, although this is sited adjacent to the boundary with No 83. From my observations on site and from the evidence submitted on behalf of the neighbour, I understand the windows on the ground floor of No 81, which are adjacent to the appeal site, serve the living room.
 8. The proposal would introduce a 6 metre deep extension adjacent to the boundary with No 81. I accept that, given the orientation of No 81, no significant overshadowing or loss of light is likely to occur. Nevertheless, whilst the boundary treatment would provide some screening, the proposal would introduce a mass of solid masonry which would be visible above it. The result of the combined height and depth of the proposal in such close proximity to the boundary would result in the extension having a significant overbearing effect being experienced by the occupier of No 81, particularly from within his living room. In my judgement, the proposal would therefore be oppressive and would have an unacceptable effect on the living conditions of the neighbouring occupier of No 81.
 9. I have also been supplied with copies of various appeal decisions¹ where larger home extensions have been allowed. Although there are certain similarities with the appeal scheme, I cannot be certain that the circumstances in each case are directly comparable. I have therefore determined the appeal on its own merits, as I am required to do.
 10. I accept that larger home extensions cannot be deemed unacceptable in principle just because such development may be visible to neighbouring dwellings. However, the GPDO seeks to balance the social and economic benefits of larger home extensions with the need to safeguard the amenities of adjoining occupiers. Having given careful consideration to the evidence in this particular case I am satisfied that it would be reasonable and proportionate to withhold prior approval due to the impact arising from the scale of the proposed extension and its proximity to the boundary with No 81.
 11. Insofar as it relates to the impact of a proposal on the amenity of any adjoining premises, I have considered the development plan policy and supplementary planning guidance cited by the Council. When taken together, Policy DM 1 of the Harrow Council Development Management Policies 2013 and the Harrow Council Local Development Framework, Supplementary Planning Document: Residential Design Guide 2010, amongst other things, seek to ensure that

¹ ¹ Appeal references: APP/P4605/D/13/2206537, APP/J4423/D/13/2202793 and APP/J0540/D/13/2210045

development proposals consider, respect and avoid loss of amenity, an approach with which the appeal proposal would fail to comply. The proposal would also run contrary to the National Planning Policy Framework's core planning principle of seeking to secure a good standard of amenity for all existing occupants of land and buildings.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Helen Cassini
INSPECTOR