
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: 23 November 2016

Appeal Ref: APP/M5450/D/16/3155792
24 Eastcote Road, Pinner, Harrow HA5 1DZ

- 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 Jitendra Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1174/16, dated 10 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is described on the application form as a 'Retrospective Planning Application: Single storey front, side and rear extension'.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey front, side and rear extension at 24 Eastcote Road, Pinner, Harrow HA5 1DZ in accordance with the terms of the application, Ref P/1174/16, dated 10 March 2016.

Procedural Matters

2. At the time of the site visit, the single storey front, side and rear extension had been completed. On this basis I will therefore deal with the appeal as a retrospective application. However, as retrospection is not an act of development it is not necessary to refer to this in my formal decision.
3. Notwithstanding the inaccuracies on the submitted plans, the appellant wishes to retain the already constructed development. I have therefore assessed the consequences of the retained development. Moreover, as the development is already in place a condition in relation to the plans is not necessary.

Main Issue

4. The main issue is the effect of the scheme on the living conditions of the neighbouring occupants at 22 Eastcote Road, with particular regard to overshadowing and loss of light.

Reasons

5. The appeal site is located in a residential area and consists of predominately two storey detached and semi-detached dwelling houses. The appeal site is located on the south-western side of Eastcote Road and is a two storey semi-detached dwelling.
-

6. When taken together Policy DM 1 of the Harrow Council Development Management Policies 2013 (the DMP) and Policy 7.6 B of The London Plan 2016 (TLP) seek, amongst other things, to ensure that new development does not have a negative impact on the amenity of neighbouring land uses. Further detailed guidance is provided in the Harrow Council Local Development Framework, Supplementary Planning Document: Residential Design Guide 2010 (the SPD), which indicates that rear extensions have the greatest potential for harm to the amenities of neighbouring residents. As such, rear extensions should be designed as not to cause an unreasonable loss of amenity to neighbouring residents.
7. The neighbouring dwelling at 22 Eastcote Road is a substantial detached dwelling set within a relatively wide plot. The rear garden of No 22 is of a similar scale to that of the appeal dwelling and benefits from mature vegetation on both the northern and southern boundaries.
8. I acknowledge that the extension is built close to the shared boundary with No 22. However, I do not consider that the extent of the visible brick work of the single storey extension is so significant or of such depth as to loom large in neighbours' views. In addition, due to the screening offered by the mature vegetation within the garden of No 22, adjacent to the wall of the extension, and the fact that No 22 sits on slightly higher land, I do not consider that the extension results in any material harm by way of appearing as an overbearing or oppressive feature.
9. In relation to possible overshadowing and the effect on the levels of light serving the ground floor rooms at the rear of No 22, due to the orientation of the extension I accept that the levels of light experienced during the late afternoon and early evening period may be reduced. However, this reduction is likely to be minimal and for a very short period of time and therefore should not substantially reduce the amount of daylight and sunlight reaching the accommodation.
10. I further note the concern of the neighbouring occupiers of No 22 regarding the small side window in the side elevation closest to the extension. Given the presence of the patio doors and surrounding windows in the rear elevation, this small window appears to be a secondary window and is not orientated to towards the amenity and patio areas to the rear of No 22. Whilst I accept that the outlook is of the flank elevation of the extension, secondary windows merit a lesser degree of protection than if it was a primary, front or rear facing window. Although the window serves a habitable room, given that there is a separation distance of over 1 metre to the extension, I do not consider that the level of light experienced from this modest window is significantly compromised.
11. I therefore find that the proposed development does not have a materially harmful effect on the living conditions of neighbouring occupiers of No 22 with particular regard to overshadowing and loss of light. Accordingly, the scheme complies with the protection of residential amenity objectives of Policy DM 1 of the DMP, Policy 7.6 B of TLP and guidance contained within the SPD.
12. I have noted the suggested conditions provided by the Council in light of guidance within the National Planning Policy Framework and Planning Policy Guidance. However as I have found that the scheme complies with the

relevant development plans and the SPD, and as it is already in place, I do not consider that conditions are required in this instance.

Conclusion

13. I therefore conclude that, having had regard to all other matters raised, the appeal should be allowed.

Helen Cassini

INSPECTOR