
Appeal Decision

Site visit made on 4 October 2016

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: 2nd December 2016

Appeal Ref: APP/M5450/D/16/3148188

126 Christchurch Avenue, Harrow HA3 8NN

- 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 (GPDO) 2015.
 - The appeal is made by Mr Nirav Vakharia against the decision of the London Borough of Harrow.
 - The application Ref P/0620/16, dated 9 February 2016, was refused by notice dated 8 March 2016.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 2015 for a single storey extension at 126 Christchurch Avenue, Harrow HA3 8NN in accordance with the details submitted pursuant to Schedule 2, Part 1, paragraph A4 (2) of the GPDO.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) Order 2015 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. There have been two prior approval schemes refused on this site. For the avoidance of doubt, the smaller sized scheme has been considered in this decision.

Reasons

4. The appeal site comprises a two storey terraced dwelling with an existing single storey extension of different depths by reason of its staggered shape. At its greatest, the depth of the existing extension would match that of a neighbour's extension at 124 Christchurch Avenue. In relation to 128 Christchurch Avenue, the depth of the existing extension is less but still projects beyond the back of this neighbouring dwelling by reason of it having not been extended.
 5. The new extension would be about 3m in height to the eaves, with an overall height of about 3.3m, to match that of the existing extension. In relation to
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the neighbouring property at No 124, the wall of the proposed extension would be sited such that there would be some shadow in afternoon/evening. There are windows/patio doors within the neighbour's extension and an outdoor space beyond this. However, the additional extension depth here would not be great being approximately 1.2m and even taking into account its height, the overall loss of sunlight and daylight would not be significant. In this regard, a fence or wall of up to 2m in height along the boundary could be erected under permitted development rights. For similar reasons, there would be no significant loss of outlook from openings on the neighbouring property's extension or its garden.

6. In relation to the neighbouring property at No 128, the flank wall of the extension would be sited such that there would be some shadow in the morning. However, the additional extension depth would not be great, being approximately 0.6m, and even taking into account its height above a permitted development wall/fence boundary, the overall loss of sunlight and daylight would not be significant. The adjacent part of the neighbour's rear elevation does have a door but this is glazed and therefore the loss of sunlight/daylight would not be of crucial importance here in any case.
7. In terms of loss of outlook from the windows of the neighbouring property's extension and garden at No 128, the overall height of the added extension along the common boundary would be approximately 3.3m. Additionally, the other part of the new extension adjacent to No 124 would be visible which would result in an overall extension depth, including existing, of approximately 6m. Under paragraph 6.61 of the Harrow's Residential Design Guide Supplementary Planning Document (SPD) 2010, this cumulative sized extension should be 12m away from the neighbouring property at No 128.
8. However, the SPD provides guidance only and every proposal has to be considered on its merits. From what I saw on my site visit, the 6m completed extension would still be a reasonable distance away from No 128, being approximately 2.6m distant from the common boundary. The increase in depth of the smaller part of the extension on this boundary with No 128 would also be small. Given the size of the existing extension, the additional extension sought would thus not significantly affect outlook or result in adverse visual impact on the occupiers of No 128 even taking into account its height.
9. For all these reasons, the proposal would comply with Policy DM1 of the Council's Development Management Policies Local Plan Document 2013, which amongst other matters, requires development to achieve a high standard of privacy and amenity and resist proposals that would be detrimental to the privacy and amenity of neighbouring occupiers.
10. In conclusion, I conclude that the appeal should be allowed and prior approval is granted. In allowing this appeal, the GPDO requires at paragraph A4 (11) that the development be carried out in accordance with the information provided, which includes the plan showing the proposed development. Notwithstanding the proposal is permitted development, a condition requiring details of materials is not necessary given the relevant plan shows matching materials.
11. Paragraphs A4 (13), (14) and (15) states that the development shall be completed on or before 30 May 2019 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.

12. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed and that prior approval is granted.

Jonathon Parsons

INSPECTOR