
Appeal Decision

Site visit made on 30 November 2016

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/M5450/D/16/3161364
37 Enderley Road, Harrow Weald, HA3 5HF

- 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 Osmaan Alvi & Mrs Kiran Iqbal against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3466/16, dated 12 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is 2-storey side and single storey front and rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for 2-storey side and single storey front and rear extensions at 37 Enderley Road, Harrow Weald, HA3 5HF in accordance with the terms of the application, Ref P/3466/16, dated 12 July 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: CHM/3571/A1 Sheet1/RevA, CHM/3571/A1 /Sheet 2/RevC & CHM/3571/A1 /Sheet 3/RevC.
 - 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no additional windows/doors shall be installed in the flank walls of the development hereby permitted without the prior permission in writing of the local planning authority.

Main Issue

2. The main issue is whether the proposed extensions would be harmful to the appearance of the parent house, the character of the surrounding area and the visual amenity of neighbouring occupiers.

Reasons

3. The Council's objection relates solely to the 6m distance to which the proposed rear single storey extension would project beyond the dwelling. However, the

rear wall of this extension would line up with the rear of no. 39 so that the outlook from within No 37's curtilage or from No 35 is already towards No 39's side wall. The officer's report on the application comments that the depth of the extension in relation to the parent dwelling is more than the 3m recommended in the Council's 2010 Residential Design Guide. It nevertheless concedes that there would be no detrimental impact on the residential amenity of No 39 and that the amenity of No 35 would be safeguarded by its distance from the extension.

4. Despite finding that the rear extension would have no detrimental impact on the residential amenity of either of the neighbouring properties the report goes on to say that it would be detrimental to No 35's visual amenity because it would appear unduly bulky and obtrusive. There is a contradiction between the finding that the extension's distance from No 35 would avoid it having a detrimental impact on that property's amenity and the subsequent finding that it would be detrimental to the same property's visual amenity. In these circumstances I have taken the Council's position to be that the extension would harm the amenity of No 35 solely through the effect on its outlook and that this effect would be part of wider damage to the appearance of the surrounding area as a whole.
5. In my judgement a 6m deep single storey extension alongside a 2-storey flank elevation with the same depth would have only a modest impact on the visual character of surrounding area, which would not be sufficient to warrant a refusal of permission. In reaching this judgement I am also aware that quite substantial structures can be erected in rear gardens under the provisions of the General Permitted Development Order. I conclude that the proposal does not conflict with the relevant aspects of policies 7.4B and 7.6B in the London Plan (2016), policy CS1 B in the Harrow Core Strategy (2012) or policy DM1 in the Council's Development Management Policies Local Plan (2013).
6. I am aware that my colleague recently dismissed an earlier appeal relating to a similar proposal at the same site. However, the extension then proposed differed from that now before me in that the depth of the 2-storey rear extension was greater and the roof design different. As such the present proposal would have a different and less damaging effect on visual amenity.

Conditions

7. I have imposed standard conditions governing the beginning of development, approved plans and matching materials. These are necessary for the avoidance of doubt and in the interests of visual amenity. I have also imposed condition 4, which is suggested by the Council and is necessary in the interests of privacy. I have however added the word 'additional' because the approved plans already include some windows.

George Arrowsmith

INSPECTOR