
Appeal Decision

Site visit made on 13 December 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 11 January 2017

Appeal Ref: APP/M5450/D/16/3157433

294 Kenton Lane, Harrow HA3 8RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Pradeep Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2048/16, dated 28 April 2016, was refused by notice dated 8 June 2016.
 - The development is proposed is rear single storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development varies between the application form and the subsequent documents. I have used a shortened form of the description given on the application form as it describes the development more succinctly.
3. The appeal relates to the refusal of prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The provisions of the GPDO require the local planning authority, once an objection from the occupier of an adjoining property is received, to assess the impact on the amenity of any of the adjoining premises, taking into account representations received. I have determined this appeal in the same manner.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers at 292 Kenton Lane, with particular regard to daylight and outlook.

Reasons

5. The appeal property at 294 Kenton Lane is a semi-detached two storey dwelling. The proposal would add a single storey extension to the rear which would reach a depth of around six metres. Having notified neighbouring occupants of the proposed development, an objection was received by the Council from the occupants of 292 Kenton Lane. Subsequently, prior approval for the development was refused by the Council.
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6. I am satisfied that the amount of sunlight at No 292 would not be affected as the development would be located to the north of the property. Furthermore, there would be no effect on the privacy of the neighbours at No 292 as there would be no windows or openings within the south elevation of the development. I also accept that the extension would not take up more than 50% of the garden at No 294, and that approximately 17.5m of garden space would remain.
7. However, to the rear of the ground floor of No 292 is a dining room window which is close to the boundary with No 294. Between the properties is a fence of approximately 1.8m in height. Submitted Section A-A shows that the side elevation of the proposal, adjacent to No 292, would rise to a height of approximately 3.16m. This would be a substantial increase in comparison to the height of the existing fence. The appellant states that the proposed extension would be mainly obscured by the fence, but I disagree. A large proportion of the new wall would be visible above the fence.
8. Whilst the outlook from No 292 to the north is somewhat limited, the relatively low height of the fence allows some openness in this direction. By contrast, the introduction of a wall of a substantial height and area, in close proximity to the adjacent dining room window, would intrude on any wider views above the fence, resulting in an increased sense of enclosure. The amount of natural daylight reaching the dining room would also be reduced by the close proximity of the new wall.
9. Similarly, the garden area immediately to the rear of No 292 would feel significantly more enclosed by the new extension. The visual impact of the tall, blank elevation, extending to a depth of around 6m, would be oppressive to those using the garden. It is the combination of these factors that leads me to conclude the development would result in unacceptable harm to the living conditions of occupiers of No 292. That applies regardless of who owns or occupies the property.
10. My attention has been drawn to the permitted extension at 296 Kenton Lane¹, which lies immediately to the north of the appeal site. However, the presence of this extension would not justify the harm I have identified, and in any case, I have considered the appeal scheme on its own merits.
11. I have found that the proposal would unacceptably harm the living conditions of the occupiers at No 292. It would thus fail to comply with Policy DM1 of the Harrow Council Development Management Policies (July 2013), insofar as it seeks to protect the amenity of neighbouring occupiers.

Conclusion

12. For the reasons above, and taking all other matters into account, I conclude that the appeal should be dismissed and prior approval is therefore refused.

Elaine Gray

INSPECTOR

¹ P/4543/14