

Appeal Decision

Site visit made on 7 February 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/M5450/D/17/3166686

17 Devonshire Road, Harrow HA1 4LS

- 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, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Armstrong Butler Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5192/16, dated 28 October 2016, was refused by notice dated 28 December 2016.
 - The development proposed is described as 'single storey rear extension and associated internal alterations on a terrace house. Depth 6m from the original house, maximum height 3m from ground level. The proposed rooflights will not exceed the 3m maximum height'.
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Decision

1. This appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of the occupiers of adjoining properties, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

3. The appeal property is a two storey terraced house within a residential area. There are neighbouring properties to each side and an alleyway to the rear. The proposed single storey extension would be 6m deep from the original rear elevation and would be a maximum 3m high. The submitted plans indicate that the scheme would span the entire width of the house and would abut the shared garden boundaries.
 4. The occupiers of neighbouring houses at No 15 and No 19 Devonshire Road have existing single storey extensions which project to one side of their rear elevations. The extension to No 15 is located on the southern side of the property away from the shared boundary with the appeal property, the area in between containing open garden and patio doors/windows to a habitable room. The extension at No 19 extends on the southern side of the property. This is adjacent to the existing extension at the appeal dwelling.
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5. Policy DM1 of the Council's Development Management Policies Local Plan (2013) (LP) includes seeking development that achieves a high standard of privacy and amenity for neighbouring occupiers. Harrow's Residential Guide Supplementary Planning Document (2010 (SPD) sets out design and layout guidance including in relation to the amenity of neighbouring occupiers.
6. The development would project for a depth of 6m directly adjacent to the shared garden boundary with No 15, which would be visible to the occupiers of this dwelling. Whilst the appellant states that they would erect a fence around 2m in height along this shared boundary, the extension would still be visually prominent for around 1m above this fence due to its depth. I consider this would appear unduly excessive and obtrusive to the occupiers of No 15 in relation to outlook. In addition, as the windows to the rear of No 15 are deemed 'protected' for the purposes of the SPD in relation to daylight levels, I consider that the extension, by reason of its excessive depth, height and close proximity, would have an adverse impact in this regard.
7. Overall these factors would have a negative impact on the neighbours' living conditions particularly in relation to how they might use their rear habitable room and fairly narrow rear garden. On this basis I find that the development would have a detrimental impact on the living conditions of the occupants of No 15 in relation to outlook and daylight.
8. In regards to the occupiers of No 19, the development would effectively be screened by the existing rear extension at this property. As such I agree with both main parties that the proposal would not be materially detrimental to the living conditions of these occupiers. Nevertheless this would result in a neutral effect which would not outweigh the harm I have identified to living conditions for the occupiers of No 15.
9. Whilst concerns about potential noise nuisance have been raised, I have no evidence before me to substantiate this claim. In addition there would be no windows within the side elevations and therefore there would be no increase in overlooking from the proposal. Furthermore the Council does not object to the development on these grounds and I have no reason to disagree.
10. Therefore taking the above factors into account and having considered the available evidence, I conclude that the proposal would result in material harm to the living conditions for the occupiers of No 15 in terms of outlook and levels of daylight. The proposal would also be contrary to LP Policy DM1 and the SPD. In addition I note that the National Planning Policy Framework (the Framework) seeks a good standard of amenity for all existing and future occupants of land and buildings. Consequently the proposal would not accord with the Framework in this regard.
11. Concerns have been raised about other matters relating to character and appearance and crime. However I have no substantive evidence that the proposal would result in harm on these matters. Nevertheless I can only determine the appeal on the basis of its impact on the amenity of the occupiers of adjoining properties.

Conclusion

12. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y Wright

INSPECTOR