

Appeal Decision

Site visit made on 14 February 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/M5450/D/16/3164325

44 Bonnersfield Lane, Harrow HA1 2LE

- 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 Darr against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3864/16, dated 9 August 2016, was refused by notice dated 11 October 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's refusal notice as this more accurately describes the appeal proposal.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal site comprises an end of terrace house in a predominantly residential area. The dwelling has been extended in the past including a two storey side extension and two single storey flat roof rear extensions. It is proposed to erect a single storey flat roof infill extension between the existing single storey extensions which currently flank the side boundaries of the rear garden. As a consequence of the infill extension there would be one single storey rear extension which would occupy the full width of the rear of the house, would have a flat roof at approximately 2.98 metres in height and would project about 6.00 metres from the original rear wall (and two storey side extension) of the property.
 5. I agree with the Council that given the height and position of the extension it would not have a detrimental impact upon the living conditions of the occupiers of any neighbouring residential properties in respect of outlook, light and privacy. Furthermore, the height of the extension (ie less than 3 metres in height) would be in accordance with Paragraph 6.63 of the Harrow Council Supplementary Planning Document "Residential Design Guide" 2010 (SPD).
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6. Notwithstanding the above, Paragraph 6.59 of SPD states that "*single storey rear extensions to a depth (taken from the rear wall of the original house) of 4 metres on a detached house and 3 metres on a semi-detached or terraced house may not need planning permission. Where planning permission is required, the acceptable depth of extensions will be determined by the need for consistency with permitted development*". In this case, the resultant single storey rear extension would project significantly beyond 3.0 metres and would extend across the full width of the dwelling. It would not be permitted development by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
7. The GPDO does, in certain circumstances, now permit the erection of larger single storey rear extensions utilising permitted development rights, but such a proposal would need to be the subject of a prior approval application (assuming all relevant criteria was met), and there is no guarantee that such development would be allowed. Furthermore, and in any event, a prior approval application is not before me and I do not know if permitted development rights have been removed from the property. I have therefore determined this appeal on its individual planning merits.
8. In the context of the existing single storey rear extensions and the two storey side extension, the proposal would have the effect of cumulatively dominating the rear of the dwelling. Overall, the resultant development to the rear of the house would appear out of proportion and scale with the original house. In respect of Paragraph 6.59 of the SPD, I do not consider that there would be any "*special circumstances*" which would lead me to consider allowing the proposed rear projection as the development would not be positioned significantly away from the boundary with the neighbouring property; as the original dwellings are not staggered; as the neighbouring dwelling is not positioned away from the boundary and as the neighbouring dwelling does not have a deeper extension.
9. Whilst the proposed extension would be to the rear of the dwelling, and hence would not be as conspicuous in the public realm when compared to development at the front, it would nonetheless be visible from the neighbouring property and there would be glimpses of the roof of the development from the service road which leads to the tennis courts. Such views of the development would be seen in the context of the rest of the terrace which generally includes proportionate rear additions. In any event, paragraph 6.58 of the SPD states that "*rear extensions should be designed to respect the character and scale of the original house and garden*", and paragraph 56 of the National Planning Policy Framework (the Framework) states that "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*". For the aforementioned reasons, I do not consider that the proposal would constitute good design as it would appear out of proportion and scale with the original house.
10. For the reasons outlined above, the proposal would cause harm the character and appearance of the host property and to the area. Therefore, it would not accord with the design aims of the Framework; the SPD; Policies 7.4B and 7.6B of the London Plan 2016; Core Policy CS1.B of the Harrow Core Strategy 2012 and Policy DM1 of the Harrow Development Management Policies Local Plan 2013.

Conclusion

11. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would not accord with the development plan for the area. Therefore, the appeal should be dismissed.

Daniel Hartley

INSPECTOR