The Planning Inspectorate

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: 22 February 2017

Appeal Ref: APP/M5450/D/16/3164155
108 Kingshill Drive, Kenton, Harrow HA3 8QB

- 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 Jayshree Patel against the decision of the Council of the London Borough of Harrow.
- The application Ref P/3515/16, dated 20 July 2016, was refused by notice dated 14 September 2016.
- The development proposed is a single storey rear infill extension connecting the dwelling to the outbuilding.

Decision

1. The appeal is dismissed.

Procedural Matter

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

Main Issues

3. The main issues are the effect of the proposal upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of neighbouring residential properties in respect of outlook and privacy.

Reasons

Site and proposal

4. The appeal site comprises a semi-detached house within a predominantly residential area. The house has been extended to the rear by way of a single storey addition and there is also a detached outbuilding positioned beyond the rear elevation of the dwelling and abutting the boundary with No 106 Kingshill Drive.

5. It is proposed to erect a single storey rear infill extension connecting the existing single storey addition to the outbuilding (the latter was in use a bedroom when I visited the site). It would have a flat roof and would project approximately a further 4.5 metres into the rear garden from the existing 3.0 metres rear extension.

Character and appearance

6. Paragraph 6.59 of the Harrow Council Supplementary Planning Document "Residential Design Guide" 2010 (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"*.

7. In this case, when combined with the existing single storey rear extension the proposal would project significantly beyond 3.0 metres which would be the permitted development by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). In this regard the proposal would be conflict with the SPD. The GPDO does, in certain circumstances, now permit the erection of larger single storey rear extensions utilising permitted development rights, but any 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 this case, I do not consider that there would be any SPD *"special circumstances"* which would lead me to conclude that the development should be allowed. This is because the extension 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. In the context of the existing single storey extension (and the garage abutting the boundary with No 106 Kingshill Drive), the proposal would cumulatively have the effect of 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. I acknowledge that the proposal 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. Nonetheless, it would be visible from rear garden areas and, 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.

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 Pan 2016; Core Policy CS1.B of the Harrow Core Strategy 2012 and Policy DM1 of the Harrow Development Management Policies Local Plan 2013.

Living Conditions

11. Other than an entrance doorway it is not proposed to include any windows in the elevations on the proposed extension. I do not therefore consider that the proposal would cause significant harm to levels of privacy enjoyed by the occupiers of neighbouring residential properties.

12. Given the position of No 106 Kingshill Drive, and the location of the intervening existing outbuilding associated with the host property, I do not consider that the proposal would have a harmful enclosing impact upon the occupiers of this neighbouring property.

13. The extension would be built relatively close to the boundary with No 110 Kingshill Drive. Whilst the existing boundary treatment would screen some of the side wall of the proposed extension, a large part of it would be noticeable when viewed from the rear garden area (i.e. patio) and the rear windows of the single storey extension belonging to No 110 Kingshill Drive. This impact, coupled with the existing presence of the existing detached outbuilding (albeit set further away from the boundary than the appeal extension), would have the effect of creating a long mass of walling running close to and alongside the common boundary with No 110 Kingshill Drive to the detriment of the outlook enjoyed by the occupiers of such a property.

14. For the reasons outlined above, I conclude that whilst the proposal would not lead to a loss of privacy for the occupiers of the neighbouring residential properties, it would have a significant adverse impact upon the living conditions of No 110 Kingshill Drive in respect of loss of outlook. For this reason, the proposal would not therefore accord with the amenity aims of the Framework; the SPD; Policy 7.6B of the London Pan 2016 and Policy DM1 of the Harrow Development Management Policies Local Plan 2013.

Other Matters

15. The appellant has referred me to a similar development at No 104 Kingshill Drive. I am not aware of the exact circumstances which led to this development being allowed or indeed when it was built. In any event, I have determined this appeal on its individual planning merits and against the most up to date planning policies.

16. None of the other matters raised outweigh my conclusions on the main issues.

Conclusion

17. 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