
Appeal Decision

Site visit made on 28 February 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/M5450/D/17/3167039
139 Locket Road, Harrow HA3 7NY

- 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, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr R Pais against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4430/16, dated 10 September 2016, was refused by notice dated 24 October 2016.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner, noting the representations made by the occupier of 137 Locket Road.
3. I note that the occupier of 141 Locket Road has made a representation stating he has no objection to the proposed extension and that it is also stated that a letter of objection previously sent to the Council had been submitted fraudulently.

Reasons

4. The Council's reason for refusal is sufficiently clear in that it raises objection to the impacts of the proposal on the amenities of the occupiers of both 137 and 141 Locket Road. Further elaboration is provided in the Council's officer report.
 5. The GPDO makes clear that where an objection has been received from the occupier of a neighbouring property, the decision maker must consider the impacts upon the amenity of any neighbouring property.
 6. The neighbouring property at 137 Locket Road has an existing single storey rear extension with an adjacent patio area. The Council states that such extension is 2.5m deep, meaning that the appeal proposal would project by a further 3.5m beyond its rear elevation. With an eaves height of 2.85 metres,
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the side elevation of the proposal facing towards No.137 would be of a considerable massing and prominence.

7. Nos.137 and 139 are a pair of semi-detached houses. The single storey extension at No.137 has rear windows close to the shared boundary. The proposed extension would be clearly visible from these windows.
8. Given the overall depth, height and massing of the proposed extension, along with its siting adjoining the flank boundary, I consider that it would appear as unacceptably overbearing in appearance in the outlook from the rear windows and rear patio area of No.137. It would therefore have an unreasonably adverse impact upon the amenity of the occupiers of this neighbouring property.
9. Whilst the appellant has drawn my attention to the existing garage at the rear of No.137, I do not consider that its existence weighs in favour of the appeal proposal, particularly as the proposed extension on the opposite side of the garden would impact upon the outlook from the rear windows of this neighbouring property. Furthermore, whilst the sizeable rear gardens provide an open aspect, this does not outweigh the impacts of the proposed extension location in close proximity to No.137's rear windows and patio area.
10. In relation to 141 Lockett Road, the proposed extension would be sited away from its side boundary and an existing garage would be demolished which, although lower than the extension, is located closer to the side boundary and extends further to the rear than the proposal. I also consider that the existing boundary treatment would be sufficient to prevent any unreasonable overlooking towards No.141. I am therefore satisfied that no adverse impacts would result upon the amenity of the occupiers of this neighbouring property.
11. The appellant has drawn my attention to an appeal decision where permission was granted for an extension at 20 Derwent Avenue¹. Nevertheless, it is unclear from the information provided, as to whether the circumstances of that case are directly comparable to those of the current appeal proposal. I have therefore given it only minimal weight and I have proceeded to consider the current proposal based upon its individual merits.
12. I have taken into account relevant Development Plan policies including DM1 of the Development Management Policies Local Plan Document (2013) and the Harrow Residential Design Guide (2010). I consider that the proposal would be contrary to the relevant amenity aims of these documents as well as the aim of paragraph 17 of the National Planning Policy Framework to always seek a good standard of amenity.
13. Matters of character and appearance are not of central relevance to this appeal as the GPDO makes clear that the proposed development should be considered solely on the basis of its impact on the amenity of any adjoining premises.

Conclusion

14. Whilst I have found that no harm would result upon the amenities of 141 Lockett Road, the proposal would result in significant harm upon the amenity of the occupiers of 137 Lockett Road. That harm is the overriding consideration.

¹ APP/M5450/D/15/3005566

15. For the reasons given above I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR