

Appeal Decision

Site visit made on 16 February 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 05 April 2017

Appeal Ref: APP/M5450/D/16/3166201

166 Mollison Way, Edgware HA8 5QZ

- 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 R Jetha against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5655/16, dated 22 November 2016, was refused by notice dated 25 December 2016.
 - The development is described as 'extending current single storey rear extension further to 6m depth'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development has commenced, and the effect of the proposal on the living conditions of neighbours, with particular regard to privacy.

Reasons

Whether the development has commenced

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 appeal property at 166 Mollison Way is a two storey, mid-terraced dwelling. At the time of my site visit, I observed that works to form a single storey extension at the rear of the property had commenced, but had yet to be completed. Paragraph A.4 (10) represents a restriction or limitation on the commencement of development.
 4. By definition, prior approval may only be sought in respect of a proposed development which has not yet commenced. The appellant confirms that the works did indeed commence before the submission to the Council of a Notification of Intention for a single storey rear extension. I note the appellant's position that they started the work without being fully aware of the need to seek prior approval, and that the work was stopped when they did become aware of the relevant requirements.
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5. Nonetheless, it remains the case that prior approval cannot be given for development that has already begun or is partially or wholly completed, as the development is no longer capable of falling within the permitted development right. I therefore conclude that prior approval should not be granted in this instance under the provisions of the GPDO, and is refused.

Living conditions

6. The Council's second reason for refusal relates to the effect of the development on the living conditions of the neighbouring occupants at 168 Mollison Way, which adjoins the appeal site. Previously, windows were proposed to the side elevation which would have looked directly onto the outdoor space at No 168. In response to concerns about the effect of these windows on privacy, the proposal has been revised to delete them, and to create a blank elevation on that side.
7. I therefore conclude that, had I allowed the appeal, the development would not unduly compromise the privacy of the neighbours at No 168. No conflict would therefore arise with Policy DM1 of the Development Management Policies Local Plan Document (2013).

Other matters

8. My attention has been drawn to a number of planning permissions which have been granted for extensions in the Harrow and Brent Council areas. However, as I am unable to allow the appeal for the reasons given above, these cases have not had a bearing on my decision.

Conclusion

9. 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