
Appeal Decision

Site visit made on 4 April 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 20 April 2017

Appeal Ref: APP/M5450/D/17/3169191 9 Carmelite Walk, Harrow HA3 5NQ

- 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.1(g) of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Ms Jatish Patel against the decision of the London Borough of Harrow.
 - The application Ref P/5793/16, dated 13 October 2016, was refused by notice dated 1 February 2017.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 1, Class A.1(g) of the Town and Country Planning (General Permitted Development) Order 2015 on land at 9 Carmelite Walk, Harrow HA3 5NQ in accordance with the terms of the application Ref P/5793/16, dated 13 October 2016, subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows, doors or other openings shall be installed in the flank elevations of the development hereby permitted without the prior permission in writing of the Local Planning Authority.

Preliminary Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) requires 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.

Reasons

3. The appeal property is a two-storey semi-detached dwelling. The boundary with the adjoining neighbour No.11 Carmelite Walk (No 11) aligns slightly inwards and is reinforced with a relatively tall boundary fence. Because of the local topography, the ground level of the appeal site is marginally higher than that of the neighbour. No 11 is positioned on a corner plot, and as such enjoys a larger and wider sized rear garden which extends around the side of the property.
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4. The dimensions of the proposed extension are such that it would not significantly protrude over the height of the common boundary fence with No 11. As a result, and having regard to the boundary alignment and the daily path of the sun, I do not find that the proposed development would cause any significant additional overshadowing or loss of ambient daylight to the neighbouring property. In the absence of evidence to the contrary, I therefore have no obvious reason to doubt the findings of the appellant's Daylight and Sunlight study, which equally concludes an absence of any significant harm in this regard to the neighbour.
5. I find that No 11's rear kitchen window is sufficiently distant from the common boundary, and that its outlook over the garden area would not be significantly worsened by the proposed development. Even accounting for the small change in land level between the two properties, I find that the height and size of the proposed development when viewed from No 11's kitchen window and the patio area would not cause any additional significant visual or overbearing impact on the living conditions of the neighbour. The Council has raised no concerns in respect to the effect of the proposed development on the living conditions of the occupiers of No 7 Carmelite Walk, and from my observations at my site visit I do not disagree.

Conditions

6. Class A.4(12) of the GPDO states that prior approval may be granted subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises. Classes A.3 (a) and A.4 (11)(a) of the GPDO require materials used in any exterior work must be of a similar appearance to those of the existing dwelling; and that the development shall be carried out in accordance with the details approved. It is therefore not necessary for me to impose these conditions as suggested by the Council. A condition restricting flank windows is necessary in the interests of safeguarding the living conditions of adjoining dwellings.
7. The appellant should note that Classes A.4 (13), (14) and (15) require that the development must be completed on or before 30 May 2019; and that the developer shall notify the Local Planning Authority in writing of the completion of the development as soon as reasonably practicable after completion, and that such notification shall include the name of the developer; the address or location of development; and the date of completion.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed.

R Allen

INSPECTOR