

Appeal Decision

Site visit made on 11 April 2017

by H Lock BA (Hons) DipTP MRTPI

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

Decision date: 26th April 2017

Appeal Ref: APP/T5150/D/17/3169096

41 Vista Way, HARROW, HA3 0SP

- 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 B Parmar against the decision of the Council of the London Borough of Brent.
 - The application Ref. 16/4431, dated 11 October 2016, was refused by notice dated 6 December 2016.
 - The development proposed is construction of part single storey side and rear extensions with associated internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for construction of part single storey side and rear extensions with associated internal alterations at 41 Vista Way, HARROW, HA3 0SP, in accordance with the terms of the application, Ref. 16/4431, dated 11 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SI/2015034/07; SI/2015034/08 Rev A; SI/2015034/09 Rev A; and SI/2015034/10 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of occupants of 43 Vista Way, with particular reference to outlook.

Reasons

3. The appeal property is a semi-detached house with a rear conservatory. Although not built, the submissions confirm that prior approval was not required¹ for a 5.0m deep rear extension, which was to be constructed adjacent to the shared boundary with 43 Vista Way (No.43). A Certificate of Lawfulness (LDC) was subsequently issued in respect of the development.²

¹ Application Ref. 16/2612, dated 28 July 2016.

² Application Ref. 16/3427, dated 28 September 2016

4. Based on the dimensions on the submitted plans, the depth of the proposed extension would be less than could be constructed pursuant to the LDC application 16/3427, and would be no greater in height or closer to the boundary. The extension now proposed would create a 'wraparound' layout, incorporating the area behind the existing garage, but this element is furthest from No.43 and would have no direct impact on that property. I note the Council's view that the prior approval/LDC development has not been built and that it is not 'lawful', but I consider that it represents a fallback position of considerable weight, with a realistic prospect of being constructed.
5. Amongst other criteria, Policy DMP 1 of the Council's 'Development Management Policies' 2016 (LP) requires development to be of a siting, scale and design that provides high levels of internal and external amenity. Although it predates the adoption of the LP by some margin, SPG5 (Altering and Extending Your Home' 2002) indicates that a flat-roofed single-storey rear extension on a semi-detached dwelling should be limited in depth and height to 3.0 metres. However, having regard to the greater depth of the existing conservatory, the size and form of the extension constructed at neighbouring 39 Vista Way, and the extension which could be built as a result of the prior approval process, I consider it unreasonable to apply the guidance in this case.
6. I acknowledge that an extension of the depth and height proposed would have some impact on the current and future occupants of 43 Vista Way, but given the size of the existing conservatory I do not find that the proposal would be overbearing or result in an unacceptable degree of enclosure. It would not diminish the outlook for occupants of the neighbouring property to a degree that their living conditions would be harmed.
7. I therefore conclude that the proposal would not result in harm to the living conditions of occupants of 43 Vista Way, and would accord with the aims of LP Policy DMP 1.

Conditions

8. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the existing dwelling, in order to safeguard the appearance of the development.

Conclusion

9. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of its social strand is to create a high quality built environment. A core planning principle of the Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and for the reasons given above the development complies with this principle and is sustainable development supported through the Framework. As a consequence, I conclude that this appeal should be allowed.

H Lock

INSPECTOR