The Planning Inspectorate

Appeal Decision

Site visit made on 9 May 2017

by Mr C J Tivey BSc (Hons) BPl MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/N5450/D/17/3169967
12 Althorpe Road, Harrow HA1 4RA

- 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 Nilesh Jeram against the decision of the London Borough of Harrow Council.
- The application Ref P/4780/16, dated 7 October 2016, was refused by notice dated 5 December 2016.
- The development proposed is for a single storey rear extension and a single storey outbuilding in the rear garden.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and a single storey outbuilding in the rear garden at 12 Althorpe Road, Harrow HA1 4RA in accordance with the terms of the application Ref. P/4780/16, dated 7 October 2016 subject to the following conditions:

   1. The development hereby permitted shall not begin later than three years from the date of this decision.

   2. 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.

   3. The development hereby permitted shall be carried out in accordance with the following approved plans: AR12-100, AR12-101, AR12-102 and AR12-300.

   4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 walls of the development hereby permitted.

   5. The roof area of the extension hereby permitted shall not be used as a balcony or other form of outdoor amenity space.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of 14 Althorpe Road, with specific reference to outlook.

Reasons

3. The appeal dwelling has an existing single storey rear extension with a shallow pitch roof, and 10 Althorpe Road adjoining has an extension of a similar scale. 14 Althorpe Road is of a shallower plan form and therefore its original rear elevation and the flat roof single storey extension attached to it are set further forward within its plot than the appeal dwelling. In addition, this is orientated slightly towards the shared boundary with no.12, demarcated by metal fencing. The nearest window on the rear extension on no.14 serves its kitchen and I also note that no.14 is on slightly lower ground than no.12, although this is not significant.

4. The Council's Supplementary Planning Document Residential Design Guide (2010) (SPD), where concerning single storey rear extensions, highlights in paragraph 6.59 that where planning permission is required, the acceptable depth of extensions will be determined by the need for consistency with permitted development. This is in addition to taking into account a number of other factors, including: site considerations, the scale of the development, impact on the amenity of neighbouring residents, and the established character of the area and the pattern of development.

5. SPD Paragraph 6.60 states that in special circumstances a greater depth may be allowed where, the extension will be sited away from the adjacent side boundary, amongst other things. In paragraph 6.61 it states that the additional depth should be set away from any side boundaries of the property by twice the amount of additional depth sought (the "two for one" rule).

6. Whilst I accept that the above sets out a reasonable guide for householders to extending their dwellings, each case must be assessed on its own merits. Taking into account the single storey and almost flat roof nature of the extension, which would be set away from the boundary shared with no.14 by 2.6m, and with fencing intervening, I consider that the outlook from the rear of no.14 would not be unduly harmed, notwithstanding the slight difference in ground levels.

7. I consider that the proposed separation distance would mitigate the impacts of the single storey rear extension and notwithstanding the staggered building line formed between nos 12 and 14, the extension would not have a detrimental impact upon the living conditions the occupants of the latter.

8. I note the concerns of the occupants of the adjoining property at no.10, although as highlighted by the Council, the extension would be at the appropriate 3m height on the boundary in compliance with the SPD. Furthermore, being approximately due north west of no.10, by virtue of its limited depth on the boundary, I consider that the proposal would not have a material effect upon the light enjoyed by the neighbouring property. In addition, taking into account the area of garden to be retained for the appeal site, the proposal would not constitute overdevelopment of the plot.

9. I consider that the proposed single storey rear extension would not be of an excessive depth or height, being set away from the shared boundary with 14 Althorpe Road and consequently would not give rise to material harm to the living conditions of the occupants of that property for the reasons as set out

above. I find that the proposal complies with Policies 7.4B and 6.7B of the London Plan 2016 and Policy DM1 of the Harrow Council Development Management Policies (2013) which require proposals to respect local character, provide a high quality design response, not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, seek to protect the amenity of neighbouring occupiers, including applying the Council's 45° code where relevant .

Conclusion and Conditions

9. Therefore for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.

10. The Council have suggested a number of conditions to be imposed upon any grant of planning permission in addition to the standard time limit condition. These include those requiring the proposed external materials to be used in the construction of the development to match those of the existing building, as well as stipulating that the development be carried out in accordance with the approved plans. I find these conditions necessary and reasonable.

11. The Council also seeks to remove Permitted Development Rights with regard to the insertion of additional windows and doors in the flank elevations of the development and seeks to prohibit the use of the roof of the extension as an outdoor amenity space/balcony. In the interests of protecting the living conditions of the occupants of both neighbouring properties from overlooking, I consider these conditions to be necessary also.

C J Tivey

INSPECTOR