

Appeal Decision

Site visit made on 15 May, 2017

by C. Jack, BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 31st May, 2017

Appeal Ref: APP/T5150/D/17/3173212

115 Stag Lane, Edgware, Middlesex, HA8 5LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Kalpesh Vekariya against the decision of the Council of the London Borough of Brent.
 - The application Ref: 16/5206 dated 18 May, 2016 was refused by notice dated 12 January, 2017.
 - The development proposed is a 6m deep single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the amenity of the adjacent properties, with particular regard to outlook and light.

Reasons

3. The appeal property is a two-storey semi-detached house in a street of principally semi-detached properties of similar general size and design. The attached property, No 117 Stag Lane has a single storey extension to the rear of approximately 3.5m depth, which abuts the common boundary. The neighbouring house to the other side, No 113 Stag Lane, has not been extended at the rear. The proposed extension to No 115 would extend to a depth of approximately 6m from the main rear elevation and across the full width of the house. It would have a flat roof of around 3m to the eaves and 3.1m in overall height.
 4. No 117 has two pairs of patio doors in the rear of its single storey extension, the closest of which is positioned only a short distance from the boundary, which is currently treated with a close boarded fence. The fence is of staggered height, decreasing as it moves away from the houses, but at its tallest point its top is notably below the top of the glazed section of the patio doors. The patio doors appear to serve habitable space, forming the principal source of natural daylight to that area. As a result of the combined height of the proposal relative to the existing boundary, the relative orientation, and the projection of the proposed extension some 2.5m beyond the extension at No 117, the proposed extension would cause overshadowing and loss of direct sunlight in the mornings, and loss of ambient daylight to that neighbouring property.
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5. These impacts would be exacerbated by what the Council terms 'leap-frogging', whereby an extension projects significantly beyond an existing extension. In this case, the loss of light and outlook would be more significant because of the likely depth of the room that would rely on the patio doors as the principal source of natural light and outlook. Furthermore, for the same reasons, the proposed extension would result in a sense of enclosure leading to a degree of harm arising from the effect of the scale of the extension on the outlook from No 117. I note the presence of the boundary fence; however the extension would be significantly taller than it, thereby having a significantly greater impact on amenity at No 117.
6. The proposed extension would be set in approximately 1.1m from the common boundary with No 113, and I note that No 113 is itself set away from the boundary by a similar distance. The common boundary is again treated with a close boarded fence, but this is of a lesser height than the fence on the boundary with No 117. No 113 has a glazed door in the rear elevation, fairly close to the boundary, and patio doors a little further away. There is a small raised terrace area immediately outside these doors.
7. By reason of its height and particularly its 6m depth, the extension would be unduly large and overbearing in relation to No 113, and would be significantly more imposing than the boundary fence, which would have limited effect in screening it. Due to the scale and relative orientation, the extension would also result in overshadowing and loss of sunlight at the rear of No 113, including the terrace area. These impacts would be limited to a degree by the modest set back from the boundary, but this would not be sufficient to mitigate the harm to the amenity of No 113 that would arise.
8. I have considered the appellant's fall-back position of an extension of 4.5m deep and of the same height as proposed, for which the Council determined that prior approval was not required Ref 16/3781. I also note that the height of the extension has been kept to a minimum by employing a flat roofed design. The appellant therefore suggests that the additional 1.5m depth now proposed would not be harmful. However, for the reasons set out above, I consider that it would constitute significant harm to the amenity of neighbouring properties, including when compared to the fall-back position.
9. The adjoining houses to the rear in Redhill Drive would be well separated from the proposed extension, and partially screened from them by existing outbuildings and trees. As a result there would be no significant effects on the amenity of those properties.

Other Matters

10. Appellant has drawn my attention to several appeal decisions in which he considers that the respective Inspectors gave weight to the height of the extension and the presence of boundary treatments. While these cases are similar to the appeal proposal insofar as they relate to extensions proposed under the same provisions of the GPDO, it is clear that the specific circumstances and site contexts are particular to each one. I have determined this case on the merits of the case before me in relation to amenity, and nothing in these other decisions leads me to a different conclusion.

Conclusion

11. For the reasons set out above, I conclude that the proposed development would have an unacceptable impact on the amenity of the adjoining properties at No 113 and No 117 Stag Lane. Prior approval is therefore refused.

Catherine Jack

INSPECTOR