
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: 2nd June, 2017

Appeal Ref: APP/M5450/D/17/3173138
30 Charmian Avenue, Stanmore, HA7 1LJ

- 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 H Hirani against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/0421/17 dated 25 January, 2017 was refused by notice dated 28 March, 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1 Paragraph A4 of the Town and Country Planning (General permitted Development) Order 2015 (GPDO) for prior approval for a single storey rear extension to the dwelling house at 30 Charmian Avenue, Stanmore HA7 1LJ in accordance with the details submitted pursuant to Schedule 2, Part 1 Paragraph A4 (2) of the GPDO.

Main Issue

2. The main issue is the effect of the proposed development on the amenity of the adjoining property No 32 Charmian Avenue, with particular regard to light and outlook.

Reasons

3. The appeal property is a two-storey semi-detached house. The attached house, No 32, is generally identical to No 30 in basic design. No 32 is not extended at the rear. The rear gardens face roughly south. The proposed single storey rear extension to No 30 would extend approximately 4m in depth from the main rear wall of the house and extend across the full width of the building to abut the common boundary, which is currently treated with a close boarded fence. There is an existing two storey squared-bay projection at the rear of both Nos 30 and 32. As a result, the depth of the extension beyond the nearest part of the rear elevation of No 32 would be a little less than 4m. The extension would have a height of 3m at its eaves and 3.4m at its highest point.
 4. At No 32 there is a glazed area incorporating windows and patio doors, positioned close to the common boundary. This appears to serve a habitable room, providing the only direct source of natural light and outlook to that room, and therefore meets the definition of a 'protected window' as set out in
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the adopted Harrow Residential Design Guide SPG 2010. The extension would lie very close to the protected window and as a result of its height, depth, orientation and proximity it would restrict daylight reaching the protected window and result in some overshadowing in the later afternoon and evening, which the SPG seeks to avoid where it would be harmful to amenity.

5. I note the appellant's view that he has a fall-back permitted development position providing for an extension of 3m in depth and, on the basis of the evidence before me, I see no reason to conclude otherwise. I also note that the proposed extension is not as tall as could be achieved under the fall-back rights. While the proposed extension would worsen the effects on the amenity of No 32 compared to the fall-back position to some degree due to the increased comparative depth, on balance I consider that the relatively modest additional depth involved would not amount to any significant additional effects on amenity. This is particularly the case because the protected window and garden at No 32 face south and so would receive generally unrestricted natural light for much of the day. Furthermore, the relatively modest height of the extension, while taller than the existing boundary fence, would not significantly affect light or outlook at No 32, again particularly when compared to the fall-back. Furthermore, the main outlook down the rear garden at No 32 would be largely unaffected.
6. At No 28, the detached neighbour, there is a side facing window in an existing single storey rear extension. The proposed extension would not significantly affect amenity at No 28 due to the degree of separation and the presence of rear facing windows in the rear extension. Furthermore, no openings are proposed in the side elevation of the proposed extension to No 30. I note the concern relating to access to the detached rear garages, accessed via a shared narrow drive. While access is essentially a separate civil matter between the parties, I saw that while access to the appellant's garage might be obstructed, the extension would be unlikely to significantly obstruct the garage at No 28. The properties to the rear, in Clydesdale Avenue, are well separated from the appeal site by the back to back rear gardens and the single storey extension would therefore have no significant effect on the amenity of those properties.

Conditions

7. The GPDO sets out in Part 1 Paragraph (12) that prior approval may be granted unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of adjoining premises. In this regard, the Council suggested a condition to prevent openings in the flank elevation of the extension to safeguard the amenity of No 28 with regard to privacy. However, this condition is not necessary as the plans show no such openings and the GPDO states that development must be carried out in accordance with the details approved.

Conclusion

8. For the reasons set out above, I conclude that there would be no significant harm to the amenity of neighbouring occupiers, including at No 32. The proposal would also be generally consistent with adopted Policy DM1 of the Harrow Development Management Policies Local Plan 2013 insofar as it bears relevance to the subject of this appeal having regard to amenity considerations. Therefore, the appeal should be allowed and approval granted.

9. The appellant should note that the GPDO requires in Part 1 Paragraphs A4 (13), (14) and (15) that the development shall be completed on or before 30 May, 2019 and that the Council should be notified of completion.

Catherine Jack

INSPECTOR