
Appeal Decision

Site visit made on 16 May 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 9th June 2017

Appeal Ref: APP/M5450/W/17/3169570

Flat 1, 110 Streatfield Road, Harrow HA3 9BT

- 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 Ms Roohi Bayat against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4051/16, dated 22 August 2016, was refused by notice dated 1 November 2016.
 - The development proposed is described as "my client wants to have rear extension as shown in drawings. She is quite old and existing bathroom does not have space to accommodate wheel chair. I have shown all the situation in drawings."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the banner heading above is a direct quote from the planning application form. The Council's decision notice describes the proposal as a single storey rear extension. This reflects the proposal set out in the submitted plans and I have therefore dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 108 Streatfield Road with particular regard to outlook and light.

Reasons

4. The appeal site comprises a two-storey, terraced dwelling which has been converted to flats. The ground floor flat has an existing single storey rear extension which projects around 3m and spans the full width of the property. The adjacent property, 108 Streatfield Road, similarly has a 3m rear extension, though it is offset from the shared boundary. Within the main rear wall of the No 108, there is a glazed patio door adjacent to the shared boundary which serves a living/dining room.
 5. It is proposed to construct a single storey extension to the rear of the property. It would span the full width of the property and would project along the shared boundary with No 108 at a depth of around 6m from the original rear wall. Furthermore, it would have a mono-pitched roof with a height of around 2.85m, in close proximity to the patio door of the adjacent property. As a
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result, it would appear as an obtrusive and dominant expanse of built form within the outlook of No 108.

6. Moreover, the extension would be sited to the east of No 108 and, due to its depth, would unduly diminish the levels of direct sunlight and daylight to both the rear garden and patio doors of the neighbouring property from early morning until the afternoon.
7. I conclude, therefore, that the proposal would have a harmful effect on the living conditions of the occupiers of 108 Streatfield Road with particular regard to outlook and light. As a consequence, the proposal would conflict with Policies 7.4B and 7.6B of the London Plan¹ which seek to create positive environments and to prevent unacceptable harm to the amenity of residential buildings. It would also conflict with Policy CS1.B of the Harrow Core Strategy 2012 and DM1 of the Harrow Development Management Policies Local Plan 2013 which seek to achieve a high standard of privacy and amenity.

Other Matters

8. It is indicated that the appellant is elderly and uses a wheelchair. In this context I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appellant would have a protected characteristic for the purposes of the PSED.
9. The extension has been designed to provide a larger bathroom within the property to improve the appellant's quality of accommodation. Indeed, I was able to see from my site visit that the existing bathroom is very narrow with a low ceiling height and would be difficult to use for those with restricted mobility. I have also taken into account the evidence of a local doctor.
10. However, in this instance, the extension proposed is permanent and would remain indefinitely regardless of the occupiers of the dwelling. In addition, it has not been demonstrated that there would be other options to provide adequate bathroom space which would be less harmful to the living conditions of the neighbouring occupiers than the proposal before me here. As a result, the need to provide increased bathroom space to meet the appellant's needs would not outweigh the harmful effect the proposal would have on the living conditions of the occupiers of No 108.
11. I have considered the concerns raised by the Council within its Officer Report regarding the effect of the proposal on the character and appearance of the area. However, given my findings in respect of the main issue above, they do not lead me to any different overall conclusion.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

¹ The London Plan The Spatial Development Strategy for Greater London, Consolidated with Alterations 2016