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## Appeal Decision

Site visit made on 13 June 2017

**by Lesley Coffey BA Hons BTP MRTPI**

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

**Decision date: 07 July 2017**

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**Appeal Ref: APP/M5450/D/17/3169957**  
**79 Windsor Crescent , Harrow HA2 8QN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Ms Bimke Dede against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/0004/17, dated 20 December 2016, was refused by notice dated 1 February 2017.
  - The development proposed is a single storey rear extension with a depth of 4 and 6 metres.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

### Reasons

3. Schedule 2, Part 1, Paragraph A.4 of the GPDO allows for the enlargement, improvement or other alteration of a dwelling house. Until 30 May 2019, paragraph (g) of that Class makes provision, subject to conditions, for single storey rear extensions up to 6 metres in length and 4m in height for properties other than detached dwellings. A previous application for prior approval was refused in August 2016 and an appeal against that decision was dismissed<sup>1</sup>.
4. The appeal proposal is for a ground floor rear extension to a mid-terraced property. It would extend beyond the rear wall of the original dwelling by a maximum of 6 metres with a maximum height of 3 metres and have an eaves height of 2.85 metres.

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<sup>1</sup> APP/M5450/D/16/3157293

5. The Council notified the occupiers of the neighbouring properties of the proposal and objections were received from the occupants of 77 and 81 Windsor Crescent. Prior approval was subsequently refused.
6. The appeal property is a 2-storey, mid-terraced dwelling situated on the eastern side of Windsor Crescent. The proposal would replace the existing conservatory which abuts the boundary with 77. The adjoining dwelling at 77 has been extended by a conservatory similar in depth to that at the appeal property. The proposed extension would be about double the length of the existing conservatory and would be situated close to the boundary with 77. I agree with the previous inspector that due to the position of the proposed extension and its orientation relative to 77, it would not give rise to any significant loss of light or overshadowing. Whilst there would be some impact on the outlook of the occupants of 77, having regard to the existing conservatory, I do not consider that the visual prominence of the proposed extension would unacceptably harm the living conditions of the occupants.
7. The neighbouring property at 81 has a modest sized rear extension sited adjacent to the boundary with 83. I understand the windows on the ground floor of 81, which are adjacent to the appeal site, serve the living room. The proposed extension would be slightly inset from the boundary. The side elevation of the proposed extension would be 4 metres in length adjacent to 81 Windsor Crescent. The appeal property has a relatively narrow rear garden and due to the manner in which the rear elevation would be splayed it would increase significantly in depth a short distance from the boundary with 81.
8. The proposal would not give rise to a significant loss of light or overshadowing to 81. However, due to its depth and proximity to the boundary, it would give rise to a sense of enclosure to the occupants of 81 and would have an obtrusive and overbearing effect on the living conditions of the occupants. I appreciate that the extension would be set in from the boundary by 230mm, but I consider this would be insufficient to have any discernible benefit. Moreover, it would be difficult to maintain any planting in this narrow strip.
9. The appellant suggests that an overbearing impact typically manifests itself as a two storey built form projecting a substantial distance and situated hard up against a common boundary. Whilst such an extension would almost certainly be harmful to the living conditions of neighbours, lesser extensions can also unacceptably harm living conditions. I agree with the previous Inspector that larger home extensions cannot be deemed unacceptable in principle just because such development may be visible from neighbouring properties. However, the GPDO seeks to balance the social and economic benefits of larger home extensions with the need to safeguard the amenities of adjoining occupiers. For the reasons given above I consider that an extension of the dimensions proposed would have an unacceptable effect on the living conditions of the occupants of 81 Windsor Crescent.
10. The appellant refers to other appeal decisions<sup>2</sup> where the inspectors placed significant weight on the height of the extensions and the boundary treatment. I note that these decisions were considered at the time of the previous appeal. It is evident that each of these decisions turned on the specific circumstances of the proposal concerned and its relationship to its neighbours. On the basis of the limited information available, it would seem that they each differ

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<sup>2</sup> APP/J4423/D/13/2202793; APP/P4605/D/13/2206537; and APP/J0540/D/13/2210045

materially in terms of the relationship with the neighbouring property by comparison with the appeal proposal. Therefore whilst I agree with the previous Inspector that there are some similarities with the appeal scheme, I do not consider these proposals to be directly comparable. Therefore these appeal decisions do not justify the harm that would arise from the appeal scheme.

11. I am satisfied that it would be reasonable and proportionate to withhold prior approval due to the impact arising from the scale of the proposed extension and its proximity to the boundary with 81.
12. Insofar as it relates to the impact of a proposal on the amenity of the occupants of adjoining premises, I have considered the development plan policy and supplementary planning guidance cited by the Council. When taken together, Policy DM 1 of the Harrow Council Development Management Policies 2013 and the Harrow Council Local Development Framework, Supplementary Planning Document: Residential Design Guide 2010, amongst other matters, seek to ensure that development proposals consider, respect and avoid loss of amenity, an approach with which the appeal proposal would fail to comply. The proposal would also run contrary to the core planning principles within the National Planning Policy Framework which seek to secure a good standard of amenity for all existing occupants of land and buildings.

### **Conclusion**

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

*Lesley Coffey*

INSPECTOR