The Planning Inspectorate

Appeal Decision

Site visit made on 28 June 2017

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 11th July 2017

Appeal Ref: APP/M5450/D/17/3174737
354 Eastcote Lane, Harrow, HA2 9AJ

- 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 Dipak Shah against the decision of the Council of the London Borough of Harrow.
- The application Ref P/0644/17, dated 13 February 2017, was refused by notice dated 10 April 2017.
- The development proposed is a single storey rear extension.

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers.

Reasons

3. The proposed rear extension as it adjoins 352 Eastcote Lane to the east would project 4.5m from the existing rear elevation, though due to the staggered siting of the properties it would project around 5.5m from the rear elevation of No. 352, and be around 1.95m from No. 352. This depth is notably in excess of the 3m guideline for rear extensions set out in the London Borough of Harrow Residential Design Guide Supplementary Planning Document (SPD) 2010, and the separation distance is considerably narrower than the *'two for one'* rule set out in that SPD that allows for exceptions to the guideline so long as amenity is preserved.

4. I share the Council's concerns that the depth of the proposed extension and the proximity to No. 352 would be harmful to the outlook from that property, due to the massing of the wall close to the boundary. From my observations on site, it appears that this is likely to also lead to a material loss of light.

5. The proposed extension as it would adjoin 356 Eastcote Lane would be 4m deep, but in this instance directly on the boundary. I could appreciate at my site visit that the depth of this extension, when combined with its height and position, would have an overbearing effect on the outlook from No. 356. The appellant has submitted drawings showing the effect of the proposal on shadows caused by the proposed extension. However, the Council's concerns in

the Delegated Report also raise the issue of light levels, and I concur with that concern due to the position of the proposed extension relative to the existing property. The general shadow drawings do not consider the issue of light in a full and objective fashion against established criteria, and so my concerns remain.

6. On the basis of all I have read and seen it is my conclusion that the proposed development would be harmful to the living conditions of adjoining occupiers by virtue of effect on outlook and levels of light. This would be contrary to Policy 7.6 of the London Plan (2016), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the SPD, insofar as they seek to ensure a high standard of design that does not have an unacceptable impact on neighbouring occupiers.

7. I acknowledge that the Council raised no objection to the proposed extension in terms of the design, and effect on the character and appearance of the surrounding areas. I also note that other properties have been extended in the area, but I have not been provided with full details on these cases. These matters do not outweigh the clear harm and conflict on the main issue. I also note the appellant's claims for rear extensions that may be permitted development, but there is no Certificate of Lawfulness confirming such assertions and that is not a matter for this appeal, so I place very little weight on such assertions. I have determined the appeal on the basis of the circumstances pertaining to this case, and my conclusions remain unchanged; the appeal is dismissed accordingly.

C J Leigh

INSPECTOR