



Appeal Decision

Site visit made on 20 June 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 25 July 2017

Appeal Ref: APP/M5450/D/17/3173039

21 Ainsdale Crescent, Pinner HA5 5SF

- 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 Chandrasekaran Palaniswamy against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0606/17, dated 26 January 2017, was refused by notice dated 14 March 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for a single storey rear extension at 21 Ainsdale Crescent, Pinner HA5 5SF in accordance with the terms of the application Ref P/0606/17, dated 26 January 2017, and the plans submitted with it.

Procedural Matter

2. Paragraph A.4 (7) of the GPDO requires that where an adjoining occupier objects to the proposed development, the prior approval of the local planning authority is required as to its impact on the amenity of any adjoining premises. Paragraph A.4 (9) requires that the amenity of all adjoining premises is considered. I shall determine the appeal in this manner.

Main Issue

3. The main issue in the appeal is the effect of the proposed extension on the living conditions of adjacent occupants.

Reasons

4. The appeal property is a semi-detached house of traditional design, dating from the mid-20th century. It is in a row of similar properties, each pair being separated by a drive giving access to garages at the rear. The proposed extension would occupy the full width of the house and extend 4 metres to the rear, with a flat roof.
5. The Council's reason for refusal concerns the effect of the proposed extension on the occupants of the adjoining dwelling (Nº 19) which is to the south of the appeal property. I saw on my visit that that dwelling has rear patio doors

which are close to the common boundary and that there is a solid fence of about 1.8m in height along that boundary.

6. Because the extension would be to the north of the adjoining property it would not obstruct sunlight to the rear windows or garden of that property. The extension would be visible for a height of about 1m above the fence. Its rearward projection of 4m would exceed the permitted development allowance¹ by 1m. Outlook from the adjacent rear windows would be maintained along the length of the garden. The extension would be visible at an angle from those windows but its limited degree of projection above the fence would be unlikely to materially affect the outlook from the adjoining property. The proposal would also be unlikely to materially affect the daylight received by the neighbour because of its limited height and depth.
7. The extension would be about 2.5m away from the adjacent house at N^o 23, being separated by the shared drive. The garages which are to the rear of both properties would screen the extension from view from that property to a large extent. The Council considers that the extension would not harm the living conditions of the occupants of that dwelling and I concur.
8. For these reasons the proposal would not harm the living conditions of adjacent occupants. There is no statutory requirement for the application to be determined in accordance with the development plan but the proposal would maintain a suitably high standard of amenity as required by policy DM1 of the Local Plan.² The Harrow Residential Design Guide (2010) was adopted before the GPDO came into force and this limits the weight that can be given to that document. However from the information before me there is nothing to indicate that the proposal would depart from that guidance.
9. I have considered whether the imposition of a condition restricting the insertion of further windows in the flank walls of the extension would be justified. The Planning Practice Guidance³ advises against such conditions unless there are exceptional circumstances. Adequate natural light would be provided by the rear windows and roof light in the proposed extension and on this basis there would be no need for further windows. For these reasons there is insufficient justification for the suggested condition.

Conclusion

10. I conclude that the appeal should be allowed and approval granted. In granting approval the appellant should note that the GPDO requires at paragraphs A.4 (13), (14) and (15) that the development shall be completed on or before 30 May 2019, and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Nick Palmer

INSPECTOR

¹ GPDO Schedule 2 Part 1 paragraph A.1 (f)

² London Borough of Harrow Development Management Policies Local Plan (2013)

³ ID:21a-017-20140306