
Appeal Decision

Site visit made on 4 July 2017

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2017

Appeal Ref: APP/M5450/D/17/3173962

2 Brookshill Avenue, Harrow, London, HA3 6RZ

- 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 Moustafa Hashem against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0348/17, dated 23 January 2017, was refused by notice dated 30 March 2017.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site is located within the Green Belt. However, neither party has suggested the proposal would be inappropriate development and it is clear that it would not result in disproportionate additions having regard to paragraph 89 of the National Planning Policy Framework, ('the Framework').
3. The main issue is therefore the effect of the proposed development on the living conditions of the occupiers of Priory View, Clamp Hill, with particular regard to daylight and visual impact.

Reasons

4. The appeal property, No 2 Brookshill Avenue, is a two storey semi-detached house. It has a two storey gable ended rear projection that is set in several meters from the flank wall of the main part of the house. The space to the side of the projection is infilled by a single storey flat roof element.
5. The attached property, No 4 Brookshill Avenue, has a comparable adjoining two storey rear projection. However, the space to the side of its projection is infilled by a two storey gable ended addition. The proposal seeks to infill the space above the existing single storey element and to create a two storey gable ended addition, similar to that at No 4.
6. To the east of the appeal property and set at a lower level is the two storey rear of Priory View. The built form of this semi-detached house is similar to Nos 2 and 4 with a two storey gable ended rear projection. The projection is positioned at a right angle to the flank of the appeal property and primarily faces into the area found to the side of No 2's projection.

7. The depth of Priory View's projection is effectively replicated by the set back of the projection at No 2. This appears to be an original aspect of the design and layout of the properties because the resulting separation distance ensures the windows in the gable end of Priory View's projection are sufficiently illuminated by natural light and its occupiers do not have an oppressive outlook.
8. Whilst the degree of separation is reduced at ground floor level by the existing single storey infill element, its low profile has maintained adequate levels of daylight and a satisfactory outlook at Priory View. In contrast, owing to a combination of its proximity, bulk and high level positioning, the proposed development would be overbearing and have a significant adverse effect on the outlook and daylight received by the neighbouring property.
9. Whilst the appellant has referred to the position of the respective properties and the sunlight received, it is the reduction of daylight as opposed to directional sunlight that is considered to be harmful.
10. As already noted, No 4 has been extended in a similar manner to the proposed scheme. However, that development was possible because No 4 has a very different relationship with the neighbouring pair of properties. Instead of being positioned at a right angle, they are sited directly alongside. Whilst there are numerous other extensions visible in Brookshill Avenue, each case has to be considered on its own merits.
11. The positive benefit of the proposed additional living accommodation is acknowledged, particularly given the personal circumstances noted by the appellant. The resulting symmetry with the development at the rear of No 4 is also acknowledged. Nevertheless, these considerations do not outweigh the identified harm. Moreover, it is not clear the proposed scheme is the only design solution.
12. It is appreciated there was no objection from the present occupants of Priory View. However, a core planning principle set out in the Framework is that planning should seek to secure a good standard of amenity for all existing and future occupants of buildings. Resisting the harmful development would secure a good standard of amenity for future occupants of Priory View.
13. It is therefore concluded that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of Priory View with particular regard to daylight and visual impact. It would conflict with Policy 7.6B of the London Plan 2016 and Policy DM 1 of the Council's Development Management Policies 2013. Amongst other things, these policies seek to resist development that would be detrimental to the amenity of neighbouring occupiers.

Conclusion

14. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

C J Ford

APPOINTED PERSON