
Appeal Decision

Site visit made on 24 July 2017

by J Wilde C Eng MICE

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

Decision date: 10 August 2017

Appeal Ref: APP/M5450/D/17/3176170
157 Torbay Road, Harrow, HA2 9QF

- 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 R Khaliq against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1076/17, dated 26 February 2017, was refused by notice dated 10 April 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application form gives the date of the application as 26 July 2017. However, as the date of the decision by the Council was 10 April 2017 I have assumed that the date on the application form has been given incorrectly, and have instead used the month (February) as shown on the Council's decision letter indicating the when the application was received.
3. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3 and Schedule 2, Part 1, Part A(12) 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.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 155 Torbay Road, particularly in respect to outlook.

Reasons

5. The appeal property is a semi-detached dwelling and the proposed rear extension would project 6m from its rear elevation. The extension would be about 3m high and would be directly on the line of the boundary with the

- adjoined neighbouring property No 155. The present boundary between the two properties is a wooden fence extending to about 1.5m in height.
6. No 155 has patio doors leading out onto a small paved area in very close proximity to the boundary with the appeal property. The patio doors serve a habitable room.
 7. The appeal property has previously received planning permission for a rear extension of 3m in depth. This extension would be a dominating feature when viewed from the habitable room and particularly the patio area of No 155, extending to almost double the height of the existing boundary fence.
 8. To extend this by a further 3m would to my mind create an unreasonable sense of enclosure and restricted outlook that would be oppressive and materially harmful to the living conditions of the occupants of No 155.
 9. There would therefore be conflict with policy DM1 of the Development Management Policies Local Plan Document (2013). This policy seeks to ensure, amongst other things, that development proposals that will be detrimental to the amenity of neighbouring occupiers will be resisted.
 10. In arriving at this conclusion I note that the proposed extension would be to the north of No 155 and therefore loss of sunlight and daylight would not be a concern. I also note that No 155 has a relatively long garden. However it is not particularly wide, and overall these factors do not lead me to an alternative conclusion.
 11. I have also been made aware of a previous decision (APP/M5450/D/14/2229319) where the Inspector allowed a similar extension. However, I have come to my present conclusion based on the particular circumstances of the case before me in terms of existing boundary treatment, garden width and proximity and use of the adjacent room and patio.

Conclusion

12. In light of my above reasoning and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR