



Appeal Decision

Site visit made on 4 July 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 8th September 2017

Appeal Ref: APP/M5450/D/17/3173021

113 Crowshott Avenue, Stanmore, Middlesex HA7 2PD

- 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 Mr Lalji Halai against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/0649/17, dated 25 January 2017, was refused by notice dated 29 March 2017.
 - The development proposed is a 6 metre deep single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), grants planning permission for the enlargement, improvement or other alteration of a dwelling house subject to a number of exceptions set out in Paragraph A.1. Paragraph A.1(g) allows, until 30 May 2019, for a single storey extension which does not extend beyond the rear wall of the original dwelling house by more than 8 metres in the case of a detached dwelling house, or 6 metres in the case of any other dwelling house, or exceed 4 metres in height. The proposed extension falls within these parameters and the Council is satisfied that the proposal is permitted development. This is, however, subject to a condition that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. An objection was received to the proposal from the occupiers of number 115 Crowshott Avenue and the Council subsequently withheld prior approval.
3. The main issue in this appeal is, therefore, the effect of the proposed development on the living conditions of the occupiers of number 115 Crowshott Avenue.

Reasons

4. The appeal building is a two storey semi-detached house located at the junction of Crowshott Avenue and Derwent Crescent. It has previously been extended to the side with a two storey extension.

5. The GPDO requires the decision maker to have regard to the National Planning Policy Framework (the Framework) so far as it is relevant to the subject matter of the prior approval. The Framework requires that new development should always seek to secure a good standard of amenity for all existing and future occupants of buildings. It also states that pursuing sustainable development involves seeking positive improvements to people's quality of life including improving the conditions in which people live and widening the choice of high quality homes.
6. Both main parties have referred to Policy DM1 of the Harrow Council Development Management Policies 2013 (DMP) and the Harrow Residential Design Guide Supplementary Planning Document 2013 (SPD). However, as this is an appeal seeking prior approval, subject to satisfying the requirements of Part 1, Class A, consideration of compliance with development plan policy is not required¹. These policies are only relevant insofar as they assist in assessing the impact of extensions on the amenity of adjacent properties.
7. Criterion D of Policy DM1 a number of factors that will be taken into account when assessing privacy and amenity considerations. These include: the relationship between buildings and site boundaries; the visual impact of development when viewed from within buildings and outdoor spaces; the adequacy of light and outlook within buildings and outdoor spaces; and; the adequacy of the internal layout of buildings in relation to the needs of future occupiers and any impact on neighbouring occupiers. The policy does not include any means of quantitatively assessing these matters.
8. Whilst some more detailed advice is set out in the SPD on residential extensions, this was published before the amendments were made to the GPDO. As such, I can give only limited weight to the requirements in respect of larger extensions set out in this because the amended permitted development rights grant planning permission for extensions that meet the relevant requirements of Part 1, Class A.
9. The proposal would result in a 6 metre deep extension with a 3 metre high, blank, wall located immediately adjacent to the common boundary between the appeal building and the neighbouring property at 115 Crowshott Avenue. At the ground floor rear of number 115 there is a bay window adjacent to the boundary, which from the objector's representations serves a living room, and beyond this a large extension that I saw when I visited the site accommodates a kitchen. This latter room has extensive glazing on the side wall facing the boundary with the appeal building and also on the south elevation.
10. The SPD defines a window that is the principal source of light to, and outlook from, a habitable room and kitchen (where the kitchen is 13 square metres or larger) as a 'protected' window. Possible loss of light and outlook to a protected window on neighbouring residential properties has to be taken into consideration when determining the effect of a proposed extension. The bay window of number 115 would be such a protected window.
11. The submitted drawings show no windows in the side elevation of the extension facing the neighbouring property, and thus there would be no overlooking or loss of privacy. However, the introduction of a 6 metre long, 3 metre high, blank wall next to the bay window of number 115 would, in my opinion, have

¹ R (oao Patel) v SSCLG & Johal & Wandsworth BC [2016] EWHC 3354 (Admin)

an excessively overbearing effect on occupiers of this room. The rear elevations of both the appeal building and number 115 face south-southeast and due to the location, length, and height of the proposed extension, it would cast a shadow over this window in the mornings. The combination of these two factors would be harmful to the living conditions of the occupiers of number 115 Crowshott Avenue. This would be inconsistent with the requirements of the Framework.

12. Whilst there would be some effect on the side windows of the kitchen extension at the neighbouring property, due to the distance from the proposed extension and the extensive glazing this would be more limited.
13. The appellant suggests that the appeal proposal would not be significantly more harmful than an earlier proposal for a conservatory of similar length and height, to which there were no objections. However, the design of the current proposal would result in an extension of materially greater height along the boundary with number 115, where the visual impact would not be alleviated by a pitched roof form. Also, although Paragraph A.1(f) of Part 1 would allow a 3 metre rear extension with an overall height of 4 metres, this relates to a more limited projection. Consequently, these alternatives do not lead me to a different conclusion on the proposal that is before me.
14. My attention has also been drawn to a number of appeal decisions in respect of larger rear extensions. I have had regard to the comments of the Inspectors in relation to screening by fences, but only one of these decisions states the height of the extension proposed and that is less than the height proposed in this case. As I do not have the full details of these cases, I cannot be certain that the circumstances are the same as the appeal before me. Nevertheless, I saw when I visited the site that there is a fence approximately 1.6 metres high between the two properties. Whilst this would break up the expanse of brickwork to an extent, it would not, to my mind, appreciably screen the proposed extension and a significant proportion of it would be visible above the boundary fence.
15. The appellant states that the proposed extension would provide with versatile, long-term, additional living space and will make a significant improvement to his quality of life. No information has been provided that would suggest that the accommodation in the existing dwelling is substandard, cramped or inconveniently arranged. As such, I do not consider that the provision of additional space at the appeal property would outweigh the harm that the extension would cause to the occupiers of the neighbouring property.
16. When an objection is made to a proposed development under the prior approval procedure, Paragraph A4 of the GPDO expects consideration to be given to the impact on the amenity of any adjoining premises. On the information before me, and from my observations during my site visit, I am satisfied that the proposed extension would not have an adverse effect on the amenity of the other adjoining property, number 2 Derwent Crescent.
17. Taken as a whole, I conclude that the proposed development would cause harm to the living conditions of the occupiers of number 115 Crowshott Avenue. For this reason the appeal must fail.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR