



Appeal Decision

Site visit made on 31 October 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 15 November 2017

Appeal Ref: APP/M5450/D/17/3180970

10 Grimsdyke Road, Hatch End, Harrow, London HA5 4PH

- 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 S Jas against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1721/17/PRIOR, dated 5 April 2017, was refused by notice dated 17 May 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3 and Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension at 10 Grimsdyke Road, Hatch End, Harrow, London HA5 4PH in accordance with the details submitted pursuant to Article 3 and Schedule 2, Part 1, Paragraph A.4.(2) of the GPDO.

Procedural Matters

2. The provisions of the GPDO 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.

Reasons

3. The main issue in this case is therefore the effect of the proposal on the living conditions of the occupiers of Nos 8 and 12 Grimsdyke Road in relation to sunlight, daylight and outlook. The property at No 8 includes a garage which is situated on the boundary with the appeal property. This garage is in close proximity to, and visible from, openings in the ground floor elevation of the house at No 8 and its rear garden.
4. The existing outlook from No 8 towards the appeal property is somewhat enclosed by the existing garages of the appeal property and No 8 and an existing conservatory at the appeal property. Further outlook towards and beyond the appeal property is limited to a gap between the garages and the conservatory.

5. The proposal would effectively close this gap following the demolition of the garage at the appeal property. The proposal would be higher than the conservatory, but it would be offset from the boundary between the properties. From all of the above points, I do not consider that the proposal would be visually intrusive in terms of the outlook for the occupiers of No 8.
6. The rear elevation of the house at No 12 is generally north east facing and contains french doors which are in close proximity to the boundary with the appeal property and serve a habitable room of the house. The proposal would result in some loss of sunlight and daylight to the interior of the house at No 12 and its garden and patio. This would however be very limited due to the orientation of the house and the reduced height of the roof towards the rear of the proposal. Furthermore, the majority of this very limited loss would occur during the morning. The proposal would therefore have regard to the adequacy of light within buildings and outdoor spaces in accordance with Development Management Policies¹ (DMP) Policy DM1.
7. The Council's Supplementary Planning Document² (SPD) refers to a 45° Code for the assessment of residential extensions. This is however said to be only relevant to two storey and first floor rear extensions and side extensions, and I have considered the appeal on this basis. A 'standard' 45° rule has also been brought to my attention in respect of adverse lighting conditions in a habitable room. This does not however feature in the policies that are before me in this appeal, and I have therefore given it limited weight in my decision.
8. In terms of outlook through the rear french doors at No 12, the maximum height of the proposed extension would only be visible from a small part of the room which the doors serve, and sufficient outlook would remain unaffected by the proposal. There would be some additional sense of enclosure for users of the patio at No 12. The rearward projection of the proposal beyond the extended rear ground floor elevation at No 12 would however not be excessive. The additional height over what would be the case with a traditionally fenced boundary, due to the reducing height of the proposal, would also not be unacceptable. The proposal would therefore accord with the Council's SPD on the basis of its consistency with permitted development rights and the absence of any unacceptable impact on residential amenity.
9. I therefore conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of Nos 8 and 12 Grimsdyke Road in relation to sunlight, daylight and outlook. I further conclude that it would thus accord with DMP Policy DM1 and the Council's SPD.
10. Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of policy as a whole. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted. The planning permission granted for a single storey rear extension under Article 3 and Schedule 2, Part 1, Class A is subject to conditions A.4.(13, 14 and 15) which specify that: the development shall be completed on or before 30th May 2019; the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion; and such notification shall include the name of the developer,

¹ Harrow Council: Development Management Policies: Local Plan: July 2013

² Harrow Council: Harrow Residential Design Guide: Supplementary Planning Document: 2010

the address or location of the development and the date of completion.
No flank elevation windows are proposed, and therefore a condition in this regard is unnecessary.

Stephen Roscoe

INSPECTOR