
Appeal Decision

Site visit made on 25 June 2019 by Scott Britnell MSc FdA

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/M5450/D/19/3227064

48A Paines Lane, Pinner, HA5 3DA

- 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 Shamir Budhdeo against the decision of Harrow Council.
 - The application Ref P/1020/19/PRIOR, dated 28 February 2019, was refused by notice dated 11 April 2019.
 - The development proposed is 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 A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension at 48A Paines Lane, Pinner, HA5 3DA in accordance with the details submitted, pursuant to Article 3 and Schedule 2, Part 1, Paragraph A4(2) of the GPDO.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Since the application was made, regulations have come into force making permanent the previous temporary right under the GPDO to enlarge a dwellinghouse by up to 8 metres in the case of a detached dwellinghouse or by 6 metres in the case of any other dwellinghouse. Those regulations have also removed the time limiting date of 30th May 2019, as well as the condition requiring development to be completed by that date.
4. The provisions of the GPDO under Article 3 and Schedule 2, Part 1, Part A4 (7) 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 the appeal has been made in the same manner.
5. At paragraph 4(a) of the application form it is stated that the proposed extension would extend beyond the rear wall of the original dwelling by 3.5 metres. However, the drawings are annotated to show the proposed extension

extending 6 metres beyond the rear wall of the original dwelling and this is also confirmed in the appellant's statement. This is how the Council has assessed the matter and how I have approached the appeal.

6. The neighbour at No 48 Paines Lane has identified discrepancies between the drawings and the properties. The Council noted these discrepancies but was able to determine the application on the basis of the information before it. Having visited the appeal site and seeing the relationship to neighbouring properties I too was able to assess the proposal.

Reasons

7. The appeal property is located in a row of similarly designed dwellings. It has a rear single storey extension. To the north is No 48 and to the south No 48B. No 48's rear wall is set back from the 2 storey rear wall of the host property and No 48B has a rear single storey extension which projects beyond the existing extension to No 48A.
8. The Council has calculated that the proposed extension would project beyond the rear wall of No 48B's extension by approximately 1.2 metres. The new extension would be set off the party boundary. Given the relationship to the extension at No 48B and the height and design of the proposed extension, I am satisfied that the living conditions of the occupiers of this property would not be adversely affected by the proposal. It is noteworthy that the Council reached a similar conclusion in this regard.
9. The rear of No 48 is set back from No 48A. It has French doors in its rear elevation, close to the party boundary. The Council advises that these doors serve a living/dining area, and I was able to confirm this on my site visit. I also observed that there was a patio area outside the French doors and a boundary fence along the party boundary.
10. The proposed extension would be set in from the boundary with No 48 and slope down from a height of 2.7 metres, where the roof meets the rear elevation of the dwelling to 2.5 metres. Whilst the new extension would be visible above the boundary fence, the position of it relative to the party boundary with No 48, along with its design would ensure that it would not be intrusive in the outlook from the rear rooms or garden area of No 48 to an extent where these areas would be less pleasant to use. Moreover, the open outlook down the rear garden of No 48 would not be affected by the proposal.
11. No 48 sits to the north of the appeal site. Given the height of the extension, its location away from the boundary and the presence of the boundary fence, it is unlikely that a loss of light to the rear rooms or garden of this property would occur.
12. Obscure glazed patio doors are proposed to the side elevation of the proposed extension facing No 48. The proposed patio doors would sit at an angle to the rear elevation of the neighbouring property and would face towards the slatted fence on the party boundary. Views of the neighbouring property and garden would be unlikely to be achieved when the doors were closed. Even when the doors were open, the slatted fence would provide a suitable barrier to prevent a loss of privacy to the occupiers of No 48. Whilst this may occur, in my view it would be unlikely as it would be in the interests of both parties to preserve the current level of privacy provided by the fencing.

13. Concerns have been raised that the presence of the patio doors would lead to increased noise levels. The proposal is for an extension to an existing dwelling house and there is no evidence before me to suggest that the proposal would result in an increase in noise levels over the current situation. This issue is not a determining factor in this case.
14. In light of my findings, I consider that the proposal's impact on the amenity of nearby occupiers would be acceptable. The proposal would not result in harm to outlook, privacy or light and harm to the living conditions of neighbouring occupiers would not result. There would be no conflict with the aims of Policy DM1 of the Development Management Policies Local Plan 2013 and the Supplementary Planning Document 'Residential Design Guide' 2010, which seek, among other things, to protect the living conditions for occupants of neighbouring properties from development and includes issues such as privacy, outlook, loss of light and overshadowing.

Recommendation and Conditions

15. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.
16. The Council request a condition that the external materials of the extension are to match those of the existing dwelling. Such a condition would normally be attached to a permission for the purposes of protecting the character and appearance of an area. As there is no such consideration before me, I do not consider it necessary to attach the requested condition. The Council also request a condition setting out the approved plans/drawings. The appeal has been assessed on the drawings submitted with the application and prior approval granted on that basis. As such, it is clear those drawings constitute the Prior Approval.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeals Planning Officer's report and on that basis the appeal is allowed.

R C Kirby

INSPECTOR