



Appeal Decision

Site visit made on 22 July 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/M5450/D/19/3220588 Shangri La, The Chase, Pinner HA5 5QP

- 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 and Mrs Charlie Paxton against the decision of the Council of the London Borough of Harrow.
 - The application ref P4177/18, dated 18 September 2018, was refused by notice dated 28 November 2018.
 - The development proposed is for a rear and part side extension at first floor as per submitted drawings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has referred to the Draft London Plan 2017 and cites its policies as material considerations in this case. However, details of specific policies considered relevant have not been referenced in the officer report or decision notice. Consequently, and as the Draft London Plan is still in the early stages of its adoption, I have not had regard to the Draft London Plan in this decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of the neighbouring property with respect to access to light, and
 - the character and appearance of the area.

Reasons

Living conditions

4. The detached appeal property and its neighbour 'Skansen' are more recent additions to the area and sit within a discrete position at the top of The Chase. They share a common design having a pitched roof which sits gable facing a common driveway. They have single garages on the shared boundary which effectively attach the dwellings. The appeal property has been extended along the property boundary and to the rear of its garage to form a wrap-around single storey side and full-width rear extension. The adjacent property also has a rear extension, but this is inset from the shared boundary creating a small patio area.

5. The Supplementary Planning Document Residential Design Guide 2010 (SPD) seeks that extensions do not cause unreasonable loss of light or overshadowing to habitable rooms, kitchens or gardens, particularly the area directly adjacent to the rear of the dwelling. It also advises that two storey extensions to the west of neighbouring properties are normally unacceptable. The proposed extension would sit to the west of Skansen and due to its height, mass, position and projection along the shared boundary and beyond the rear elevation of Skansen, would shade the patio area. I acknowledge that Skansen has structures within their garden as shown in the appellant's submitted photographs which, in addition to the fence, shade this garden. However, the proposal would create a much higher structure directly adjacent to the patio area which would block light/sunlight particularly during late afternoon and evening. I also have no certainty that the shading would not extend over the glazed roof of the rear extension of Skansen. The appellant draws my attention to potential compliance with the 45 degree rule however, this is only a guide to the acceptability of proposals.
6. Due to the scale of the proposed extension, it would overshadow and have an overbearing effect upon the neighbouring patio area at Skansen and harm the living conditions of occupiers. It would conflict with Policy 7.6B of the London Plan and Policy DM1 of the Harrow Development Management Policies 2013 (DMP) which together and amongst other matters seek that development does not affect surrounding residential buildings and impact neighbours.

Character and appearance

7. There are various different property types in the immediate area including dwellings which are detached, semi-detached, simple terraces or flats. The area is generally open in character and both the appeal property and Skansen, despite being attached a ground floor level, have visible separation due to their spacing from one another and from other dwellings in the vicinity. The SPD seeks retention of space around buildings and in this case the gap between the properties at first floor level is important in achieving this.
8. Although a gap would still be visible when viewed directly from the front of the appeal property, the side element of the extension, despite its considerable set back from the front elevation, would close the existing gap when viewed obliquely from The Chase. However, the appeal property is not in a prominent position and the existing gap can only be viewed from a limited viewpoint. To the rear, the proposal would create a substantial extension in terms of height and mass which would dominate the original dwelling design. However, the rear of the property is not in public view. The effect of the proposal on the character and appearance of the wider area would therefore be modest.
9. The Tookes Green Conservation Area (CA) sits to the front, side and rear of the appeal site. The proposal however, would have a neutral effect upon its setting due to the limited visibility it would have, the screening by trees and vegetation present at the rear and side and within the context of the modernity of the dwelling which is not characteristic of others in the CA. The combination of these factors leads me to conclude no harm to the character or appearance of the CA.
10. Although the effect of the proposal upon the character and appearance of the area would be limited it would nonetheless conflict with Policies 7.4B and 7.6B

of the London Plan¹ and Policy DM 1 of the DMP and Policy CS 1 of the Harrow Core Strategy 2012. Together and amongst other matters these policies seek that development makes a positive contribution to the character of the public realm and respects the host building. However, the harm which would result from this conflict would be minimal.

Conclusion

11. In conclusion, the proposal would affect the living conditions of occupiers of the neighbouring property. It would have a neutral effect on both the character and appearance of the CA, and only limited harm to the area as a whole. However, the effect upon the living conditions of occupiers of the neighbouring property is determinative and for the reasons stated above the appeal is dismissed.

E Symmons

INSPECTOR

¹ The spatial development strategy for London consolidated with alterations since 2011.