
Appeal Decision

Site visit made on 23 July 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2019

Appeal Ref: APP/M5450/W/19/3227011

31 Rickmansworth Road, Pinner, London HA5 3TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Malay Lakhlani against the Council of the London Borough of Harrow.
 - The application Ref P/0153/19/5531 is dated 30 November 2018.
 - The development proposed is a single storey rear extension extending 6m beyond the original rear wall.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension extending 6m beyond the original rear wall at 31 Rickmansworth Road, Pinner, London HA5 3TE in accordance with the terms of the application, Ref P/0153/19, dated 30 November 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 31RR/01, 31RR/02, 31RR/03, 31RR/04, 31RR/05, 31RR/06, and 31RR/07.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be installed on the side elevation of the extension hereby permitted.
 - 5) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matters

2. The appeal is made against the failure of the Council to determine the application within the prescribed period. Following the submission of the appeal, the Council provided a statement outlining their concerns in relation to the proposal. The Council has confirmed that had it been in a position to determine the application, it would have been refused for reasons relating to;

(1) the effect on the character and appearance of the area and (2) the effect on the living conditions of neighbouring occupiers

Main Issues

3. In light of the above, the main issues are the effect of the proposed development on:-
 - (a) the character and appearance of the host property and terrace, with particular regard to scale and design, and
 - (b) the living conditions of the neighbouring property, with particular regard to light and outlook.

Reasons

Character and appearance

4. The appeal site is a two-storey mid-terrace dwelling. The proposed development would provide a single-storey flat-roofed extension to the rear elevation, extending the full width of the garden and indicated as being 6m in depth. The Council acknowledge that the adjacent property at 29 Rickmansworth Road has a full width extension to the rear and is of the same height and depth as the appeal proposal. Whilst not of the same design I also noted that rear extensions of one form or another are commonplace in the locality. With regard to the site's context, I find that the scale and design of the appeal proposal, which would largely replicate that at No 29, would not cause harm to the character and appearance of the host property and terrace. Furthermore, the increase in footprint of the original dwelling can be comfortably accommodated within the garden ground.
5. Notwithstanding reference to a previous similar refusal, limited details of which are provided, I must assess the appeal proposal on its merits and in the current context of the site. The tree in the garden of No 33 is, from my observations on site, sufficiently distant from the proposed extension. There is no reason why the proposal should in itself prevent retention of the tree.
6. Accordingly, I find that the proposed extension would not harm the character and appearance of the host property and terrace, with particular regard to design and scale. It would thus comply with development plan Policies 7.4B and 7.6B of the London Plan, Policy CS1(B) of the Harrow Council Core Strategy, and Policy DM1 of the Harrow Council Development Management Policies, which together require development to be well designed and appropriate within its context, amongst other considerations. Whilst the proposal would conflict with Harrow Residential Design Guidance Supplementary Planning Document, which advises such extensions to be smaller than proposed and to comply with lighting standards, this does not outweigh the lack of harm I have found.

Living conditions

7. The French door in the rear elevation of No 33 Rickmansworth Road is indicated by the Council as being a protected window. In this particular case, a reasonably direct comparison of the likely effect on that French door can be assessed from the corresponding effect on the appeal site from the extension already built at No 29. In doing so, I note that the French door at No 33 is slightly further away from the boundary than the corresponding door and

window at the appeal site. In terms of light, the rear elevation of the terrace faces south west and, at the time of my site visit (mid-afternoon), the level of both daylight and direct sunlight to the rear elevation was good. Whilst it is the case that direct sunlight to the French door at No 33 would be partially restricted during the mornings, as at the appeal site, the orientation and height of the proposal indicate to me that the overall loss of light would not be so great as to cause significant harm to No 33. Similarly, in terms of outlook from the protected windows at No 33, I find that the proposed extension would be acceptable in terms of height and depth, as comparatively evidenced from the appeal site, such that no overbearing impact or harm is caused. Whilst a degree of overlooking between neighbouring properties and the extension may occur through the rooflight, any such views will be sufficiently oblique.

8. I therefore conclude that the proposal would not harm the living conditions of the neighbouring property, with particular regard to light and outlook. Consequently, the proposal would comply with development plan Policy and 7.6B of the London Plan which seeks to protect the amenity of surrounding land and buildings.

Conclusion

9. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted subject to conditions that are necessary in the interests of certainty; safeguarding the character and appearance of the area; and protecting the privacy of neighbours.

Patrick Hanna

INSPECTOR