



## Appeal Decision

Site visit made on 27 August 2019 by C Brennan BAE (Hons) M.PLAN

**Decision by Andrew Owen BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> October 2019**

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**Appeal Ref: APP/M5450/D/19/3229818**

**18 Sumner Road, Harrow HA1 4BU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mrs Victoria Widenka against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/0674/19/PRIOR, dated 8 February 2019, was refused by notice dated 22 March 2019.
  - The development proposed is a 5 metres long single-storey rear extension.
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### Decision

1. The appeal is dismissed.

### 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. The description of the proposed development included on the application form included superfluous and repetitious information. In the interests of clarity and concision, this information has been omitted from the description of the proposed development used in the heading above.

### Main Issue

4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development on the basis of its impact on the amenity of any adjoining premises, where any adjoining occupier objects to the development. As an adjoining neighbour objected, the Council assessed the impact of the proposal and found it unacceptable.
  5. Based on the Council's decision notice, the main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of No 20 with regard to their outlook.
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## **Reasons for the Recommendation**

6. The appeal site comprises a two-storey, mid-terrace property on the northern side of Sumner Road. No. 16 to the west has a rear conservatory and No. 20 to the east has not been extended. The gardens of Nos. 16, 20 and the appeal site slope downwards to the north from the rear of the houses. The boundary between the appeal site and No. 20 is primarily formed of sections of wooden fencing with concrete posts, each section approximately 2m in height. From the rear façade of the appeal property to the bottom of the rear garden, each section of wooden fencing successively drops in height by approximately 200mm-300mm due to with the downward slope of the garden.
7. Due to their siting on the northern side of Sumner Road the rear gardens of both the appeal site and No. 20 would be mostly overshadowed for much of the year. As such, I do not consider that the proposal would cause unacceptable harm to the living conditions of No. 20 in terms of light and overshadowing. However, from the plans submitted, it is erroneously shown that the height of the boundary fence between No. 20 and the appeal site is level along the full depth of the garden. The slope in ground levels has also been omitted from the plans. Due to the staggered, descending height of the shared boundary fence and the slope of the rear garden, it is considered that the full 5m depth of the proposed extension would be more prominently visible from the rear garden of No. 20 than what is suggested within the submitted drawings, despite the attempts to minimise its height with its asymmetrical roof. Furthermore, as the ridge of the proposed asymmetrical roof would be less than 2m from the shared boundary, the full height of the proposal would be readily visible from the rear garden of No. 20 and would appear overly dominant and overbearing. Combined with the marginal setback from the boundary of only 0.05m as shown on the plans, it is considered that the cumulative height, depth and siting of the proposal would have an intrusive and overbearing visual impact upon the garden of No. 20, thereby causing an unacceptable level of harm to the living conditions of its occupants in terms of outlook.
8. The appellant has drawn my attention to existing extensions at Sumner House and 26 Bowen Road as precedent. However, I do not have sufficient details of these extensions or how they relate to the rear-facing windows of neighbouring properties, so I am unable to compare these two examples to the proposal. Regardless, each case must be considered on its own merits.
9. The appellant states that the proposal would improve living conditions by providing an improved heating system, increased living space and a ground floor bathroom for the benefit of less physically able occupants and guests. These considerations would not outweigh the harm that would be caused to the living conditions of the occupants of No. 20.
10. The appellant states that larger extensions of 5m depth or over are becoming more prevalent in the area due to the lack of larger housing stock. No such evidence has been provided to demonstrate that this is the case. Regardless, this would not justify the identified harm that would be caused.
11. For the above reasons, I conclude that the proposed development would cause an unacceptable level of harm to the living conditions of the occupants of No. 20 Sumner Road in terms of outlook from the rear garden. Moreover, the proposal conflicts with Policy DM1 of the Development Management Policies Local Plan document (2013) and the Residential Design Guide SPD (2010),

which broadly require that development proposals must respect the living conditions of occupiers of neighbouring dwellings.

**Conclusion and Recommendation**

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*C Brennan*

APPEAL PLANNING OFFICER

**Inspector's Decision**

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Andrew Owen*

INSPECTOR