



Appeal Decision

Site visit made on 30 December 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2020

Appeal Ref: APP/M5450/D/19/3238969

25 Thistlecroft Gardens, Stanmore, Middlesex HA7 1PJ

- 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 Mr Harshad Vekaria against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3513/19/PRIOR, dated 8 August 2019, was refused by notice dated 5 October 2019.
 - The development proposed is described as '6 metre deep single storey rear extension'.
-

Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of 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) for a 6 metre deep single storey rear extension at 25 Thistlecroft Gardens, Stanmore, Middlesex HA7 1PJ in accordance with the application P/3513/19/PRIOR made on 8 August 2019 and the details submitted with it (Drawings PR19-077 A, PR19-077b, PR19-076C, PR19-077D, PR19-077E & PR19-077F) pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) subject to the condition in paragraph A.3(a) which requires that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Procedural Matter

2. 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 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 on the same basis.
3. Although I have added clarification, the description I have used in the banner heading and the decision comes from the original notification form, I have no evidence that the appellant has agreed to the description change.

Reasons

4. The appeal property is semi-detached and sits on the residential Thistlecroft Gardens. It is attached to No. 27 which sits to the south, while to the north No. 23

- sits separate to the property. Lamorna Grove sits to the rear of the property to the east. A single storey rear extension is proposed, which would incorporate a flat roof, which would minimise its height, and limit its bulk.
5. While the appeal proposal would have a notable projection from the rear elevation of No.25, it would remain in proportion with the well sized rear gardens on Thistlecroft Gardens and Lamorna Grove.
 6. No. 27 has a large bay window on its rear elevation which is situated close to the boundary with the appeal property. However, due to the orientation of this property to the south of the proposed extension, any loss of sunlight or overshadowing to these windows and the rear elevation as a whole would be very limited. The property would retain a good outlook over its rear garden.
 7. While I note that No. 23 is positioned slightly forwards of the appeal property, the evidence indicates that it has been extended to the rear so that its rear elevation sits further back than that on the appeal property. The extension would be set off a reasonable distance from this dwelling and the opening within its rear elevation that is closest to the boundary with the appeal site is set significantly away from the boundary. The impact of the extension on the occupiers of this property would therefore be very limited.
 8. Moreover, the more substantial form of the two storey houses themselves would continue to have a far more significant impact in terms of sunlight at most times of day than the single storey extension proposed.
 9. For the reasons above, I am not persuaded that the appeal proposal would have an unacceptable impact on the amenity of the adjoining premises, including 26 or 28 Lamorna Gardens to the rear which are a significant distance away. I have taken account of the representations received.
 10. Policy DM1 of the Harrow Council Development Management Policies Local Plan (2013) amongst other things seeks to protect the privacy and amenity of neighbouring occupiers and I have found no conflict insofar as it relates to the amenity of adjacent properties. More detailed guidance in relation to residential extensions is set out in the SPD¹, although this was published before amendments were made to the GPDO and as such, I can give only limited weight to its guidance in respect of single storey rear extensions.

Condition

11. In line with Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.3(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed and prior approval is deemed to be granted.

TJ Burnham

INSPECTOR

¹ Harrow Council Supplementary Planning Document Residential Design Guide (2010)