



Appeal Decision

Site visit made on 26 November 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/M5450/D/19/3237094

15 Pembroke Avenue, Kenton, Harrow, Middlesex HA3 8QG

- 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 Ms Manisha Patel Rabadia against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3053/19/PRIOR, dated 28 October 2018, was refused by notice dated 20 August 2019.
 - The development proposed is a 6m deep single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

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. I observed during my site visit that the garage had already been removed. The planning application forms, Council's decision notice and the submitted plans only refer to the rear extension and not to demolition of the garage. My determination of the appeal is therefore made on the same basis, considering only the proposed 6 metre (m) single storey rear extension.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of Number (No) 13 Pembroke Avenue, with particular respect to outlook and daylight.

Reasons

5. The appeal property is located on the southern side of Pembroke Avenue and is a two-storey, semi-detached residential dwelling, with a rear conservatory and front and rear gardens
6. The proposal would result in the construction of a 6m deep, single storey rear extension, approximately the width of the host property. No windows or doors

- are planned in the flanks, but bi-folding doors are proposed for the rear elevation. The extension would be used as a kitchen by the occupiers of No 15.
7. This extension would be located adjacent to the boundary of No 13, extending 6m beyond the original rear wall of the host property and would have an approximate height of 3m at the eaves. No 13 has a habitable room to the rear ground floor, from which the occupants would have oblique views from the window of this room onto the entire length of this flank wall.
 8. The depth, height and close proximity of the proposed extension's side elevation, would create a sense of enclosure and a loss of outlook to the occupiers of No 13. Furthermore, this would lead to overshadowing of this ground floor room. While I appreciate that the rear gardens of these properties are reasonably large and south facing, there would still be some loss of daylight to the neighbouring window and garden at No 13. This would be particularly apparent during the late afternoon, especially in the winter months, and exacerbated by the elevated position of the proposed rear extension in relation to No 13.
 9. Prior approval has already been granted for a similar 6m rear extension to No 13 (P/2407/19/PRIOR). However, at the time of writing this development had not been implemented and there is no commitment to simultaneous development and therefore the possibility remains of just this element proceeding. Consequently, I must consider the merits of this proposal at this moment in time and with the evidence that is before me.
 10. Differences were also apparent between this approved scheme and the appeal proposal. No 13 is unextended to the rear, while No 15 already has an existing rear conservatory. This would mean that approximately only half of the flank wall of the approved rear extension at No 13 would be visible to the occupiers at No 15 from their ground floor windows. Whereas in this appeal proposal, the entire 6 m length of the flank wall would be visible to the occupiers of No 13. This would have an overbearing visual impact in terms of bulk and proximity on the occupants of No 13.
 11. I therefore conclude that there would be a detrimental effect on the living conditions of the occupiers of No 13 Pembroke Avenue, in relation to outlook and daylight. I also acknowledge that this proposal would not accord with Policy DM1 of the Local Plan¹ and the Residential Design Guide². Together these resist proposals that would have a detrimental impact on neighbouring occupiers.

Other Matters

12. I have taken into consideration the appellant's endeavours to reduce any negative impacts, by acting proactively in relation to the standard of design, timing of application, character of development, amenity space, enhancements to the house and garden, improved security, privacy and environmental benefits. However, these do not outweigh the harm I have identified above or alter my decision.
13. The Council refused this development on the impacts on the occupiers of

¹ Harrow Council, Development Management Policies, July 2013.

² Harrow Council, Supplementary Planning Document, Residential Design Guide, Adopted 15 December 2010.

No 13, even though the only objection to this proposal was from No 17 Pembroke Avenue. I am aware of the appellant's concerns that the application had not been considered as an independent application, due to a previous objection from No 17. However, I am required to take into account any potential impacts on adjoining neighbouring properties as set in the Procedural Matters above. I have therefore considered this appeal scheme entirely on its own merits.

14. Following on from this point, I noted that the Council considered that the development would not result in any detrimental impacts on any other adjoining properties except No 13. Following my site visit and consideration of all the evidence before me, I have little reason to disagree with that assessment.

Conclusion

15. For the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR