



---

## Appeal Decision

Site visit made on 26 February 2020

**by Chris Forrett BSc(Hons) DipTP MRTPI**

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

**Decision date: 20<sup>th</sup> March 2020**

---

**Appeal Ref: APP/T5150/D/19/3236931**

**35 Draycott Avenue, Harrow, London HA3 0BL**

- 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 B Patel against the decision of the Council of the London Borough of Brent.
  - The application Ref 18/3646, dated 22 August 2018, was refused by notice dated 19 July 2019.
  - The development proposed is a two-storey side to rear extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a two-storey side to rear extension at 35 Draycott Avenue, Harrow, London HA3 0BL in accordance with the terms of the application, Ref 18/3646, dated 22 August 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: DWG No 73/1E and DWG No 73/2C.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Application for costs

2. An application for costs was made by Mr B Patel against decision of the Council of the London Borough of Brent. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of 33 and 37 Draycott Avenue with particular regard to outlook and privacy.

### Reasons

4. The appeal property is a two storey (in scale) semi-detached residence on the north-east side of Draycott Avenue. The immediate surroundings of the site include other residential properties.

5. The reason for refusal on the Councils decision notice refers to the effect of the development on the occupiers of 37 Draycott Avenue. However, the Council appear to have confused the addresses of the neighbouring properties.
6. From my site visit, I saw that No. 37 is set at a higher land level and has been extended to the side and the rear. In seeing these extensions, it is abundantly clear that the proposed development would not have an adverse impact on outlook from the windows of that property or the rear garden area of No. 37. Furthermore, there would not be an unacceptable loss of privacy from the rear windows of the proposal. In summary, I find that the proposal would not give rise to any harm to the living conditions of the occupiers of No. 37.
7. Turning to the effect of the development on No. 33, this property is attached to the appeal property (being the other half of the semi-detached dwellings). No. 33 does not currently have any significant rearward projection from the main rear wall of the dwelling.
8. The appeal development is essentially a two storey and single storey extension to the opposite side of the dwelling to No.33. The Councils concerns stem from the already built single storey rear extension, which it is claimed does not accord with the details from the prior approval application<sup>1</sup> as it has been built on a raised patio which is around 0.7 metres above the natural ground level.
9. From the Appellants statement, the extract of the prior approval plan shows the roof of the single storey extension at the same height as the appeal drawings and, from my site visit, at the same height as has been constructed on site. Furthermore, the plan also shows the continuation of the ground level from that rear extension which is the raised patio area. Therefore, from the evidence before me, it appears to have been constructed in accordance with the prior approval application and within the specified sizes allowed in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Notwithstanding that, this does not specifically grant permission for the raised patio area, nor is that included within the appeal scheme itself, a point acknowledged by the Appellant.
10. In coming to that view, I acknowledge that the single storey rear extension would not accord with the provisions of the Residential Extensions and Alterations Supplementary Planning Document (SPD2). However, I consider that this is not a significant factor in the appeal proposal.
11. Taking this into account, the development which is the subject of this appeal would not give rise to any material harm to the living conditions of the occupiers of No. 33, particularly as the works are situated on the opposite side of the appeal dwelling to No. 33.
12. For the above reasons the proposal would not harm the living conditions of the occupiers of 37 Draycott Avenue and would therefore accord with Policy DMP1 of London Borough of Brent Local Plan : Development Management Policies (2016) which amongst other matters seeks to ensure that development provides high levels of internal and external amenity.

---

<sup>1</sup> Reference 18/0692

**Conditions**

13. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interest of the character and appearance of the area a condition relating to the use of matching materials is also necessary.

**Conclusion**

14. Taking all matters into consideration, I conclude that the appeal should be allowed.

*Chris Forrett*

INSPECTOR