



Appeal Decision

Site visit made on 17 February 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2020

Appeal Ref: APP/M5450/D/19/3240908

56 Moat Drive, Harrow HA1 4RX

- 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 & Mrs Ahmad Hussain against the decision of London Borough of Harrow Council.
 - The application Ref P/2700/19, dated 10 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is a two-storey side and rear extension, and demolition of front porch extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side and rear extension, and demolition of front porch extension at 56 Moat Drive, Harrow, HA1 4RX, in accordance with the terms of application Ref P/2700/19, dated 10 June 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Drawing Nos. P9/002, P9/003, P9/005, P9/006, P9/007 and HM Land Registry General map at 1/1250 scale.
 - 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.
 - 4) The extension hereby permitted shall not be occupied until the first-floor windows within the western side elevation have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
 - 5) 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 other than those expressly authorised by this permission shall be constructed on the western side elevation.
 - 6) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

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.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 58 Moat Drive, with regard to outlook and light.

Reasons for the Recommendation

4. The appeal site comprises a two-storey, semi-detached property on the northern side of Moat Drive within an established residential area. The appeal dwelling currently has a rear conservatory and a side garage which abuts the boundary with 58 Moat Drive. The proposal would result in the demolition of the existing conservatory and flat-roofed side garage to allow for a part single-storey, part two-storey side to rear extension. The Council raise no objection to the two-storey part of the proposal and I have no reason to come to a different view.
5. The single storey part of the proposal would be behind the two-storey part and project rearwards of the existing house by around 6 metres. It would abut the common boundary with No.58, be flat-roofed and of modest height. It is considered that the proposed height and depth of the development would not be excessive and hence it would not have an intrusive or overbearing visual impact upon the rear elevation and garden of No. 58 and so would not markedly change the outlook from the rear of No.58.
6. Furthermore, given the relationships between the properties I viewed on site, and the orientation of the buildings, as well as having had regard to the appellant's daylight/sunlight report, I am satisfied that there would be no significant loss of sunlight or daylight as a result of the proposed development.
7. I therefore find the development would not harm the living conditions of the occupiers of No.58, with regard to outlook and light. The proposed development would accord with Policy DM1 of the Harrow Development Management Policies document (the 'Local Plan') as well as Policy 7.6B of The London Plan and Policy D1 of the Draft London Plan which together aim to ensure new development is of good design, well related to local character and urban form and respectful of the amenity of occupiers of neighbouring buildings. I have also had regard to Harrow Council's 'Residential Design Guide' Supplementary Planning Document (SPD) which seeks the same. This is consistent with the National Planning Policy Framework (the Framework) which aims to ensure a high standard of amenity for residents.

Conditions

8. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was successful. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance.
9. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I

have also included a condition requiring the external materials match the existing building, to protect the character and appearance of the area.

10. I have included the suggested condition requiring the first-floor windows within the western side elevation of the extension be fitted with obscured glazing and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. I have also imposed the suggested conditions restricting the provision of windows within the western side elevation, and restricting the use of the flat roof above the single storey part of the development. These conditions are necessary to protect the living conditions of the occupiers of No.58 with regards to their privacy.

Recommendation

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

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR