
Appeal Decision

Site visit made on 11 August 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2020

Appeal Ref: APP/M5450/W/19/3242940

49 Lloyd Court, Pinner, Middlesex HA5 1EG

- 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 P Mukunthar against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4370/19, dated 4 October 2019, was refused by notice dated 2 December 2019.
 - The development proposed is a single storey rear extension to ground floor flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council state that the location plan submitted with the application failed to outline the correct site. The appellant contends that a red line site location plan which correctly identifies the site was submitted with the application.
3. Whatever the case may have been, the Council validated the planning application, the evidence indicating that they confirmed to the appellant that they had received everything they needed to begin assessing the case. The plans and application form clearly state which property the proposals relate to and third parties who have provided comment were also aware of the correct location.
4. I therefore consider it reasonable to consider the merits of the proposal before me. Within their report, the Council identify matters that would have been key to their assessment of the application had they gone on to do so.

Main Issues

5. The main issues therefore are the effect of the proposal a) on the living conditions of neighbouring occupiers and b) on the character and appearance of the area.

Reasons

6. The proposal relates to a ground floor flat which is situated within a two-storey building which appears to host four flats at the southern end of the residential Lloyd Court. The garden, within which the extension would be situated does not have significant depth.

Living conditions

7. The rear extension would be provided across most of the width of the rear elevation of the flat, at a projection of 3 metres (m), and would also fill in the inset on the rear elevation created by the recessed living room. It would bear a flat roof and would be 3m in height. It would be positioned almost on the boundary with flats 50 and 51 which occupy the north eastern half of the building.
8. The property immediately to the north east has large french doors with side windows close to the boundary with the appeal property. There is no evidence to indicate that these doors and windows do not serve a habitable room. Despite the presence of some substantial trees to the south east, the room is currently afforded a reasonable level of daylight and outlook given the light that penetrates across the undeveloped rear aspect at the property and the appeal property. The limited height of the boundary fence which separates the rear gardens also serves to sustain outlook from and daylight to this room.
9. Without any substantive evidence to demonstrate otherwise, I consider that the height of the proposed extension and its positioning almost on the shared boundary to the doors and windows of the property immediately to the north east, combined with the not insubstantial projection, would be likely to give rise to a harmful loss of daylight.
10. For the same reasons, the extension would be likely to create an overwhelming sense of enclosure leading to a harmful loss of outlook from the doors and windows. Subsequently, I consider that the proposal would cause significant harm to the living conditions of the occupiers of the ground floor flat immediately to the north east. This would have an adverse impact on the enjoyment of their home.
11. The proposal would therefore be contrary to Policy DM1 of the Harrow Council Development Management Policies (2013) which amongst other things states that proposals that would be detrimental to the amenity of neighbouring occupiers will be resisted.

Character and appearance

12. The extension would be set to the rear of the property and would be single storey in height. Although a walkway runs to the south west of the appeal property, substantial boundary planting exists to the side of this walkway.
13. As a result of the above factors the proposal would be very limited in views from any public vantage point. For this reason, the proposal would not form a prominent feature within the area and subsequently would not detract from its character and appearance. The proposal would therefore accord with Policy CS1 of the Harrow Council Core Strategy (2012) as it would not form a proposal which would harm the character of the suburban area within which it would be situated.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR