



Appeal Decision

Site visit made on 19 October 2020

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11/11/2020

Appeal Ref: APP/M5450/D/20/3252253

31 Tithe Farm Avenue Harrow HA2 9AF

- 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 Suraj Adatia against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0172/20, dated 11 January 2020, was refused by notice dated 9 March 2020.
 - The development proposed is Single storey side to rear extension, external alterations (demolition of attached garage).
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Decision

1. The appeal is allowed and planning permission is granted for Single storey side to rear extension, external alterations (demolition of attached garage) at 31 Tithe Farm Avenue in accordance with the terms of the application Ref P/0172/20, dated 11 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, DRG-01 Rev 01 and DRG-02 Rev 01.

Procedural Matter

2. I have used the description of development shown on the Council's decision notice in the banner heading because it is more precise than the description shown on the planning application and appeal forms. There does not appear to be any dispute between the parties regarding the description of development.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbouring residents at number 29 Tithe Farm Avenue, with particular regard to outlook.

Reasons

4. The appeal site is a semi-detached dwelling with a lean-to garage. To the rear, the first floor is set back from that of the adjoining property with a tiled canopy roof to the ground floor, which meets the cills of the first floor window. There

is a decked area immediately abutting the house. The appeal proposal would provide a single storey extension to the side and rear at the host dwelling. The extension would include a shallow-pitched canopy around the structure. There would be rooflights provided to the canopy serving the rear kitchen/dining area of the development.

5. Policy DM1 of the Development Management Policies Local Plan (2013) ("DMP") states all development must achieve a high standard of privacy and amenity. In addition to this, section 6.63 of the Residential Design Guide SPD¹ ("SPD") says that the height of single storey rear extensions should be minimise the impact on the amenities of neighbouring residents. This includes a maximum of 3 metres for an extension abutting a residential property (at the boundary) for a flat roof and 3.5 metres at the mid-point of the pitch of a pitched roof.
6. The appeal documents show that the tallest point of the development would be between 3m-3.06m. As measured from the ground, the Council asserts that the development would be 3.5m tall. Notwithstanding, I have been able to see from the submitted plans that, whilst a patio area is proposed to be retained, the development would be reduced in height as compared with the existing rear element of the house. The neighbouring property does appear to have lower levels adjacent to the house due to a different patio arrangement, however I was also able to see that the window openings for both properties are at the same level. Whilst I accept that the rear extension could be in some conflict with the guidance within the SPD I consider that the increase in height as described above does not result in harm to the outlook of this neighbour.
7. The depth of the proposed extension from the rear wall would be 3.5m. The appeal property and the neighbour at number 29 both have fairly spacious gardens, with taller fences close to the house and lower fence lines after the patio and sitting out areas close to the rear of each house. The characteristic openness of the gardens would not be inherently affect as a result of the development and I am of the opinion that there would be no harm to living conditions from overbearing to number 29.
8. I therefore conclude that the proposal would not significantly harm the living conditions of the adjoining occupier at number 29 Tithe Farm Avenue through the impact of the development on outlook. Thus, it would not conflict with the requirements of the SPD, Policy DM1 of the Local Plan, Policy CS1.B of the Harrow Core Strategy² Policy 7.4B of the London Plan³ or The National Planning Policy Framework, which seek, amongst other things, to ensure that living conditions of all occupiers are protected.

Conditions

9. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty.

¹ Supplementary Planning Document: Residential Design Guide (December 2010)

² Harrow Core Strategy (February 2012)

³ The London Plan (March 2016)

Conclusion

10. For the reasons stated above, and having had regard to all other matters, I conclude that the appeal should be allowed.

Rebecca Thomas

INSPECTOR