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## Appeal Decision

Site visit made on 5 November 2020

**by Martin Chandler BSc MA MRTPI**

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

**Decision date: 20 November 2020**

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**Appeal Ref: APP/M5450/D/20/3255560**

**16 Thistlecroft Gardens, Stanmore HA7 1PN**

- 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 Mr Chetan Patel against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/1558/20/PRIOR, dated 4 May 2020, was refused by notice dated 5 July 2020.
  - The development proposed is single storey rear extension: extending 6.00 metres beyond the original rear wall; 3.09 metres maximum height, 2.90 metres high to the eaves.
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### Decision

1. The appeal is dismissed.

### Application for Costs

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

### Main Issue

3. In accordance with Schedule 2, Part 1, Class A, Paragraph A.4(9) (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 GPDO) the main issue is the effect of the proposal on the living conditions of the occupants of 14 Thistlecroft Gardens.

### Reasons

4. The appeal site is a semi-detached dwelling with private amenity space located to the rear. The topography of the site is such that the amenity space noticeably slopes away from the rear of the dwelling.
5. The proposed extension would project 6 metres into the garden space, adjacent to the shared boundary with No 14. Unlike the sloping topography, the height of the extension would be consistent along the shared boundary. It would therefore be demonstrably taller than the existing boundary enclosure and due to the levels of the neighbouring garden and the depth of the extension, this would have a substantially enclosing effect. As a consequence, the proposal would significantly harm outlook from No 14.

6. The appeal has been supplemented by sunlight analysis which seeks to demonstrate that the proposal would not cause harm to sunlight received by No 14. The appeal site is located to the south of No 14 and therefore sunlight would be affected. Nevertheless, this would be at the time when the sun would be highest in the sky. Consequently, I am satisfied that the westerly facing garden would continue to receive adequate levels of sunlight.
7. Daylight is a separate consideration to sunlight and the nearest affected window would be a kitchen window serving No 14. This window is of a generous size and it is slightly set off the boundary. Consequently, although the extension would be an imposing structure, due to the size and location of the adjacent window, I am satisfied that daylight would not be unduly compromised.
8. I note the other appeal decisions that have been brought to my attention. However, I do not have the full details of these cases before me and consequently, I can only attribute limited weight to them in my assessment of the appeal. Nevertheless, based on the evidence before me, when assessed against the requirements of the 2015 GPDO, I am satisfied that the proposal would materially harm the amenities of the adjoining property.
9. Consequently, having particular regard to outlook, I conclude that the proposal would harm the living conditions of the occupants of No 14, and I note that this conclusion is the same as a recent appeal decision on the site.<sup>1</sup> On this basis, although not expressly relevant to a prior approval application, the proposal would fail to comply with Policy DM1 of the Harrow Council Development Management Policies (2013) which requires, amongst other things, development to have regard to impact on neighbouring occupiers.

### **Other Matters**

10. In refusing the prior approval application, the Council state that due to the proximity of an existing outbuilding, the proposal would form part of a cumulative enlargement that would fail to accord with the requirements of the 2015 GPDO. The evidence presented in relation to this matter is sparse, however, in light of my findings in relation to the main issue, it is not necessary to consider this further because it would not alter the outcome of the appeal.

### **Conclusion**

11. For the reasons identified above, the appeal should be dismissed.

*Martin Chandler*

INSPECTOR

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<sup>1</sup> APP/M5450/D/20/3252502