



Appeal Decision

Site visit made on 10 November 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/M5450/D/20/3250227

307 Headstone Lane, Harrow, London HA3 6PQ

- 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 against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4969/19, dated 27 November 2019, was refused by notice dated 23 January 2020.
 - The development proposed is a single storey front, side and part two storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the appeal application, the Council has granted planning permission¹ for a single storey front extension incorporating a front porch and a single storey side extension. At my site visit I saw that a single storey side extension had already been built. Notwithstanding that, I have determined the application on the basis of the plans before me.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of 33 Boniface Gardens with particular regard to outlook.

Reasons

4. The appeal property is a semi-detached dwelling located on the corner of Headstone Lane and Boniface Gardens. The appeal property and No.33 are within close proximity of one another and each has an unusual shaped rear garden (which also includes an element to the side of each property) with the boundary being diagonal to the rear wall of each dwelling.
5. Given the juxtaposition between the properties and their rear gardens, they are overlooked from the first-floor rear windows of each property. As such, the areas to the side of each of these properties represent the most private areas of the gardens for each occupier.
6. It is common ground that the ground floor elements of the proposal do not raise any significant planning issues which would warrant the withholding of

¹ Reference P/0282/20 dated 23 March 2020

planning permission and I have no reason to disagree with that view. Similarly, the Council have not raised any concerns in relation to the effect of the development on the habitable room windows of No.33. As such, the area of concern relates to the effect of the first-floor element on the rear garden.

7. The first-floor element would be located broadly in line with the main rear wall of the appeal property. Given this position it would be close to the boundary of No.33 and would be an overly prominent addition, particularly from the part of the rear garden which is at the side of No.33. The position of the rear wall of the extension, in combination with its height, would result in an overbearing addition and an unacceptable feeling of enclosure.
8. Whilst I consider that the increase in enclosure to the part of the garden to the rear of No.33 is not a determinative factor on its own, the feeling of enclosure would also be apparent to the area to the rear of the property. Whilst this impact would not be significant, it does add weight to the overall harm I have found in respect of the impact on the living conditions of the occupier of No.33.
9. Turning to the potential loss of sunlight, the extension would result in the obstruction of some sunlight in the late afternoon and early evening. However, given that the garden would still enjoy a significant amount of sunlight during a large proportion of the rest of the day I consider that this loss of sunlight would not be so harmful as to warrant the refusal of planning permission on this ground.
10. Finally, I have also considered the other issues raised in the representations, including health matters, views across to the playing fields from the first-floor window, and dust and noise pollution from construction works. However, none of these matters provide for a further compelling reason to withhold planning permission.
11. For the above reasons the proposal would harm the living conditions of the occupiers of 33 Boniface Gardens contrary to Policy 7.6B of The London Plan (2016), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the Harrow Residential Design Guide Supplementary Planning Document (2010) which amongst other matters seek to ensure that buildings maintain a high standard of amenity (including the visual impact of development) which does not cause an unacceptable harm to the amenity of surrounding land and buildings.

Conclusion

12. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR