



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/20/3253369

63 Byron Road, Wealdstone, Harrow, London HA3 7SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)..
 - The appeal is made by Mr Tejas Mistry against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0588/20/PRIOR, dated 13 February 2020, was refused by notice dated 26 March 2020.
 - The development proposed is a single Storey Rear Extension: 6.00 metres deep, 2.80 metres maximum height, 2.70 metres high to the eaves.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal is permitted development and the effect of the development on the living conditions of the occupiers of 65 Byron Road with particular regard to outlook and light.

Reasons

Permitted development

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) gives 'permitted development' rights for various extensions to domestic properties subject to a prior approval process and various conditions¹. This means that certain extensions do not require planning permission.
4. Paragraph A.4 of the GPDO sets out the procedural requirements which must be undertaken for the proposal to benefit from the permitted development right. At paragraph A.4(2)(c) this includes that the developer must provide the local planning authority with the addresses of any adjoining premises.
5. In this case, it is common ground that the given addresses for the properties either side of the proposal are correct. However, to the rear of the premises is a block of flats known as Flats 1-12 Coleridge House, 3 Tagore Close.

¹ Schedule 2, Part 1, Class A, paragraph A.1(g)

6. Notwithstanding that, the application form states that 4 Tagore Close is an adjoining property. However, as I verified at my site visit, No.4 is not an adjoining property, as part of the flat block for No.3 (flats 7-12) sit at the rear of the appeal site. To that end, these properties have not been identified by the developer as being adjoining the appeal site and as such the procedural requirements to enable the proposal to be permitted development have not been met. Consequently, on the basis of the submitted information to the Council, the proposal cannot be permitted development.
7. In coming to the above view, I acknowledge that the Appellant included No.4 on the appeal proposal application form as on a previous application² the Council advised the Appellant that this was an address which was required to be included on the application form. Whilst it is unfortunate that the Council provided the incorrect address to the Appellant, it is nevertheless the responsibility of the developer to provide the correct addresses for the adjoining properties.

Living conditions

8. The Council have not raised any concerns in respect of the effect of the development on the internal accommodation of 65 Byron Road and given the position of the outrigger and the habitable room windows I have no reason to disagree with that view.
9. In respect of the impact of the development on the rear garden, the sunpath analysis shows that the extension would have a very limited effect on the amount of sunlight which would fall onto the garden area of No.65. This, combined with the length of the rear garden, leads me to the view that the proposal would not give rise to any significant harm in respect of loss of sunlight. Furthermore, it would not lead to a significant loss of daylight either given the height of the proposed extension.
10. Turning to matters of outlook, the proposal would extend along the boundary with No.65 by 6 metres from the original outrigger. However, there is an outhouse to the rear of No.65 which from the Council's figure reduces this distance to around 4.5 metres.
11. To my mind, the extent of the projection of the extension from the outhouse, in combination with its overall height, would not result in an overbearing impact when the occupiers of No.65 utilise their rear garden.
12. In coming to the above view, I acknowledge that the proposal would not accord with the guidance contained within the Harrow Residential Design Guide Supplementary Planning Document (RDSPD). However, in this case, I find that the proposal would not result in an unreasonable loss of light or overshadowing nor would it have an overbearing impact. Therefore, as the proposal would not result in any such harm, the small conflict with the RDSPD is not a factor which would lead me to conclude that the development is unacceptable.
13. I have also had regard to the other matters raised in the representation received. However, none of the issues raised amount to a substantive reason why permission should not be granted.

² Reference P/0068/20/PRIOR

14. For the above reasons the proposal would not harm the living conditions of the occupiers of 65 Byron Road and would accord with Policy DM1 of the Harrow Council Development Management Policies Local Plan (2013) which amongst other matters seeks to ensure that all development proposals are not detrimental to the amenity of neighbouring occupiers.

Conclusion

15. Taking all matters into consideration, I conclude that the appeal must be dismissed.

Chris Forrett

INSPECTOR