



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/20/3253520
16 Talbot Road, Harrow, London HA3 7QG

- 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 Premji Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0357/20, dated 30 January 2020, was refused by notice dated 3 April 2020.
 - The development proposed is a single storey front to side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey front to side and rear extension at 16 Talbot Road, Harrow, London HA3 7QG in accordance with the terms of the application, Ref P/0357/20, dated 30 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan, Drawing Nos. EPGF-01, EPGF-02 and EPGF-03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 18 Talbot Road with particular regard to outlook.

Reasons

3. The appeal site is located on the south side of Talbot Road and is an end terrace two-storey property with a driveway to the side. A single storey rear extension has already been constructed at the appeal property. The detached neighbouring property to the east, 18 Talbot Road, is also an end terrace property with a similar driveway to the side.
4. The appeal proposal is for a side extension which would be located broadly in line with the front main wall of the dwelling back to the rearmost wall of the rear extension.

5. The Council have not raised any concerns in respect of the parts of the extension to the front and side of the original house and I have no reason to disagree with that view.
6. However, the Council have drawn my attention to paragraphs 6.59 and 6.63 of its Residential Design Guide Supplementary Planning Document (2010) (RDSPD) which sets out that flat roofed rear extensions should be a maximum of 3 metres high on the boundary and that it should be to a depth of 3 metres which is consistent with permitted development rights. However, paragraph 6.59 goes on to say that where planning permission is required, the acceptable depth of an extension will be determined by the need for consistency with permitted development rights and matters such as site considerations, the scale of the development, and the impact on the amenity of neighbouring residents.
7. In this case, there is a driveway to the side of the adjoining property and there is also a detached garage/outbuilding at No.18. As such, the extent of the extension at the rear would be partially shielded by the existing garage building. In my view, these are significant factors which lead me to the view that the proposal would not unacceptably harm the outlook from No.18 as the garage building would partially obscure the extension and have the effect of reducing its impact.
8. In coming to that view, I acknowledge that the extension would be around 30 centimetres higher than that advocated in the RDSPD and that the land level at No.18 is slightly lower than the appeal site. I also acknowledge that the extension would be higher than the garage building itself. However, none of these factors suggest to me that the overall impact of the development would be unacceptable.
9. I have also had regard to potential overshadowing of the rear garden area of No.18. However, given the orientation of the site in relation to sunrise through to sunset, the existing rear extension, and the garage at No.18 the proposal would not result in any significant loss of sunlight to the garden area (or habitable room windows) of No.18.
10. For the above reasons the proposal would not harm the living conditions of the occupiers of 18 Talbot Road and would be in accordance with Policy 7.4 of The London Plan (2016), Policy CS1.B of the Harrow Core Strategy (2012), and Policy DM1 of the Harrow Development Management Policies Local Plan (2013) which amongst other matters seek to ensure that buildings maintain a high standard of design (including ensuring that people feel comfortable with their surroundings) which are not detrimental to the amenity of the occupiers of neighbouring properties. It would also accord with Policy D1 of the emerging London Plan (Intend to publish version – December 2019).

Conditions

11. The Council has provided a list of suggested conditions on their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR