



Appeal Decision

Site visit made on 10 November 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/M5450/D/20/3255980

64 Crowshot Avenue, Stanmore HA7 2PF

- 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 Bhavesh Wagjiani against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1427/20/PRIOR, dated 6 January 2020, was refused by notice dated 14 July 2020.
 - The development proposed is single storey rear extension: 6.0 Metres deep, 3.20 Metres maximum height, 3.00 Metres high to the eaves.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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) for single storey rear extension: 6.0 Metres deep, 3.3 Metres maximum height, 3.00 Metres high to the eaves at 64 Crowshot Avenue, Stanmore HA7 2PF in accordance with the application Ref P/1427/20/PRIOR made on 6 January 2020, and the details submitted with it including plan nos. PR20-007E (Site Plan), PR20-007C (Proposed Floorplans) and PR20-007D (Proposed Elevations), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.

Main Issue

3. The main issue is the effect of the proposed extension on living conditions for occupants of the neighbouring dwelling at 106 St Andrews Drive with particular regard to levels of outlook and light.

Reasons

4. The neighbouring dwelling at No 106 St Andrews Drive has ground and first floor windows to its rear elevation which are positioned close to, but set away from, the boundary with the appeal site. The extension would be visible from the rear windows and garden serving No 106. Even so, this neighbouring dwelling benefits from space to its rear in the form of a long rear garden. In addition, the extension would be single storey in scale and would be set away from the shared boundary. Taken together, I am satisfied that the extension would not prevent the occupiers of the neighbouring dwelling from having a reasonable outlook down the rear garden and that sufficient spacing would be retained to ensure the development would not cause an overbearing sense of enclosure.
5. In terms of light, due to the orientation of the rear elevation of the dwelling at No 106 and the path of the sun, there is the potential that the extension would have some effect on the afternoon sunlight received within the neighbouring property. However, I find that the effect of any shadowing caused by the proposed extension would be likely to be limited and would not cause an unacceptable reduction of living conditions within the neighbouring dwelling or its garden. Moreover, given the spacing between the extension and that the adjacent part of the neighbouring property would retain an open aspect to the rear, it would continue to receive adequate levels of daylight.
6. I conclude that the development will have an acceptable relationship with the living conditions of occupiers of No 106 St Andrews Drive having particular regard to levels of outlook and light.
7. The Council has referred to Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies (2013) and the Harrow Residential Design Guide - Supplementary Planning Document (2010) (SPD) on its decision notice. Whilst this prior approval appeal has not been determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004, I have given regard to this policy and guidance insofar as they seek to protect the amenity of neighbouring occupiers and are therefore relevant to my considerations under the main issue. Given my conclusion, I am satisfied that the development would not conflict with these aims.

Other Matters

8. I have given regard to the third-party representations made. Rights to light are a private matter, although this does not diminish my finding that the proposal would provide acceptable levels of light for occupiers of the neighbouring dwelling at No 106. Whether or not the dwelling is a rental property and any potential for loss of views are not material planning considerations in this instance. The character and appearance of the area is not a material consideration under the conditions, limitations or restrictions applicable to development under Article 3(1) and Schedule 2, Part 1, Class A.

Conditions

9. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the

construction of the exterior of the existing dwellinghouse. In addition, the formal decision includes within it reference to the approved plans.

Conclusion

10. For the reasons given, I conclude that the appeal should be allowed and prior approval should be granted.

M Russell

INSPECTOR