The Planning Inspectorate

Appeal Decision

Site Visit made on 12 October 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/M5450/D/20/3249907
48 Winchester Road, Harrow, HA3 9PE

- 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 Paresh Vagadia against the decision of the Council of the London Borough of Harrow.
- The application Ref P/4610/19, dated 1 November 2019, was refused by notice dated 13 January 2020.
- The development proposed is retrospective approval for 6m single storey rear extension (P/4590/18/PRIOR) and new single storey side to rear extension.

Decision

1. The appeal is allowed and planning permission is granted for single storey front extension incorporating front porch; single storey side extension to rear extension at 48 Winchester Road, Harrow, HA3 9PE in accordance with the terms of the application, Ref P/4610/19, dated 1 November 2019, 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: 48WR-001, 48WR-002, 48WR-003, 48WR-004, 48WR-101, 48WR-102, 48WR-103, 48WR-104, 48WR-202, 48WR-203, 48WR-204, Flood Risk Assessment (Proposed Extension in relation to surface water flooding map zone), Proposed surface water disposal details, Thames Water Consent.

   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.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Following the application, which is the subject of this appeal, a further planning application has been submitted to and approved by the Council. This

application[1] sought consent for, amongst other things, a 3 metre deep single storey side extension. I have had regard to this in determining the appeal.

4. The appeal proposal includes a single storey front extension incorporating a front porch. The Council consider that this element of the proposal is acceptable in terms of the character and appearance of the area. From all I have seen and read I have no reason to reach a different view and have proceeded with the appeal on this basis.

5. The description of development set out in the Council's decision notice differs from that in the banner heading above. In the formal decision above I have used the more accurate description from the decision notice.

Main Issue

6. The main issue is the effect of the proposal on the living conditions on the occupiers of 50 Winchester Road with particular regard to outlook.

Reasons

7. 48 Winchester Road is a semi-detached dwelling in a residential area characterised by both bungalows and semi-detached dwellings, many of which have been extended. No 48 has previously been extended with 6 metre single storey rear extension and, as set out above, there is also an extant consent for a 3 metre deep single storey side extension. The appeal proposal would, in effect, increase this side extension from 3 metres to 5 metres along the boundary with 50 Winchester Road.

8. The Design and Layout Guidance for Householder Development Supplementary Planning Document (2010) (SPD) indicates that if rear extensions are more than 3 metres from the rear elevation on semi-detached dwellings, they should be subject to a "two for one" rule where the additional depth should be set away from the side boundary by twice the amount of additional depth sought. In this case the proposed rear extension would be close to the shared boundary with 50 Winchester Road and would be 5 metres from the original rear elevation of the host property. It does not therefore meet the guidance in the SPD.

9. However, the rear ground floor windows of No 50 closest to the shared boundary are non-habitable room windows, the main habitable room window/glazed doors being sited on the opposite side of the building closest to No 52. Views of the extension from within this room would be oblique and thereby limited. Moreover, there is a large shed within the garden of No 50, adjacent to the common boundary with No 48 which already restricts outlook from within the rooms of No 50 and would obscure the majority of the additional length of proposed extension from view.

10. I acknowledge that outlook from within the neighbouring property is already restricted to a degree by an extension at no 52. However, whilst the roof of the proposed extension would be seen above and beyond the shed, I am satisfied that because of its limited height which would be 2.8m at its closest point, the extension would not constitute an overbearing feature. Due to its orientation there would be no significant overshadowing or loss of daylight and as such it would not appear as an oppressive structure. Consequently, the outlook from

[1] P/0345/20

the neighbouring property, including from within the garden, would not be unduly restricted by the proposal. My attention has been drawn to several appeal decisions for development in the local area. Whilst aspects of these proposals appear similar, the specific details of these cases are not before this appeal and I cannot therefore be certain that these appeals are directly comparable to the appeal proposal. In any event, I have determined this appeal on the site specific circumstances of this case.

11. For these reasons, I find that the proposed development would not harm the living conditions of the neighbouring occupiers. Consequently, the scheme would not conflict with Policy 7.6B of The London Plan (2016), Policy DM1 of the Harrow Development Management Policies Local Plan (2013), and the National Planning Policy Framework. Collectively these policies seek, amongst other matters, to promote good design and prevent development which would be detrimental to privacy and amenity of neighbouring occupiers

Conditions

12. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty. A condition relating to materials is also necessary in the interests of safeguarding the character and appearance of the area.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Susan Ashworth

INSPECTOR