



Appeal Decision

Site visit made on 1 December 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/M5450/D/20/3260359

145 High Street, Wealdstone, Harrow HA3 5DX

- 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 V Sarkari against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1643/20, dated 15 May 2020, was refused by notice dated 10 July 2020.
 - The development proposed is for the erection of a single storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the Council has considered the proposal against the adopted London Plan (2016) policies. Regard has also been given to relevant policies in the Draft London Plan (2019), as this will eventually replace the current London Plan when adopted. The draft London Plan has been to Examination in Public and is now at intend to publish stage and therefore carries significant weight.

Main Issue

3. The main issue is the effect of the single storey side extension on the living conditions of occupiers of No.147 High Street having regard to light and outlook.

Reasons

4. The appeal property is situated within a row of terraced properties. The main rear elevation of appeal property and other dwellings in the row are partially recessed between a series of two storey rear outriggers.
5. The proposed extension would be positioned up against the boundary shared with No.147 where the rear elevation is recessed. There is a habitable window on its rear wall very close to where the extension would be situated. No.147 has a window in its rear wall close to the proposed extension. If built the extension would leave a small intervening gap of about 2.9m between the extension and the window, effectively enclosing the window with the side wall of the extension. Such proximity would result in an insensitively positioned development which would dominate neighbouring outlook.
6. The extension would be a modest enlargement, but its position, height and mass relative to the window would result in an intrusive and overbearing

impact. I accept that the amount of light reaching the window is already restricted by the two-storey outriggers of the appeal property as well as that of No.147. Nevertheless, the position and dimensions of the proposed extension would further exacerbate overshadowing and subsequently reduce the amount of light reaching the window. The change would be noticeable and significantly erode from the existing living conditions of adjoining occupants.

7. I therefore conclude that the proposal would be harmful to the living conditions of the occupiers of No.147 High Street having regard to light and outlook. The development conflicts with Policy 7.6B, point D of the London Plan (2016) and Policy D3 point 7 of the draft London Plan (2019), which seek to prevent harm to amenity of residential buildings and deliver appropriate outlook. It would also conflict with Policy DM1 of the Harrow Development Management Policies Local Plan (2013) which seeks to protect the amenity of neighbouring occupiers and the adopted Supplementary Planning Document: Residential Design Guide (2010) which seeks to protect neighbouring properties from loss of light and outlook.

Other Matters

8. The appellant has referred me to permitted development rights available to build an extension of 3 metres in depth from the rear elevation. I also acknowledge the appellant's reference to using permitted development rights for a prior approval extension detailed under application reference number P/2676/20/PRIOR described as 6 metres deep by 3.4 metres and 3 metres high to the eaves. However, I have not been provided with any plan details of what that would entail or the decision of the Council. In any event my role is to determine the appeal before me.
9. I also have no evidence to conclude that such potential development would be lawful for this particular property and it is not for me within a s78 appeal to determine that. To that end a ruling can be applied for and determined locally by the Council. Moreover, there is nothing convincing evidenced which demonstrates such notional development achieved through permitted development rights has a realistic prospect of occurring. Therefore, reference to permitted development rights does not provide me with a convincing justification to set aside the substantive harm I have identified.

Conclusion

10. For the reasons given above the appeal fails.

M Shrigley

INSPECTOR