



Appeal Decision

Site visit made on 21 May 2021

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/M5450/D/21/3269024
118 Somervell Road, Harrow HA2 8TT

- 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 & Mrs Hussain against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3987/20, dated 3 November 2020, was refused by notice dated 19 January 2021.
 - The development proposed is single storey rear extension with external alterations including external steps (part retrospective application).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is reference to applications for prior approval for a large extension under permitted development rights¹ together with a refused Certificate of Lawfulness. However, there appears to be a disagreement between the Council and the appellant regarding ground levels and eaves heights. From the information submitted it would seem that the single storey extension, described as retrospective on the decision notice, may or may not have been built under permitted development rights. Either way, it is not for me to decide under the terms of this Section 78 appeal what is permitted and what is not. I have therefore afforded only limited weight to what could be described as the appellants fall-back position and have assessed the proposal on the basis of that before me.

Main Issues

3. I consider that the main issues for consideration are the effect of the extension on (1) the character and appearance of the area; and (2) the living conditions of the occupiers of Nos 116 and 120 Somervell Road.

Reasons

Character & Appearance

4. The appeal site is the end house in a terrace of four. At the time of my site visit, building work had started on part of the extension and most of a single storey extension close to the boundary with No 116 was complete. An

¹ Town and Country Planning (General Permitted Development) (England) (As Amended) Order 2015.

additional extension would entail the overall development extending across most of the width of the house and projecting out to the rear by about 6 metres. The garden is at lower level than the house so steps are proposed from the extension into the garden. The extension is very close to the boundary with No 116 but there would remain a gap between No 118 and its neighbour at No 120.

5. The extension would be a large flat roofed addition to the rear of the house and although it would be single storey, it would be a substantial structure, appearing more so by the difference in land levels, the elevated position and stepped entrance. Whilst it would not be untypical of larger modern extensions to fairly traditional designed houses such as this, overall, it would appear out of proportion to the original house. This is mainly due to its size.
6. Core Strategy Policy CS1.B² indicates that proposals that would harm the character of an area will be resisted and, amongst other things, extensions should respect their host building. Local Plan Policy DM 1³ seeks to achieve a high standard of design and indicates that proposals that fail to achieve this will be resisted. The 2016 London Plan cited in the decision notice has been superseded by the 2021 London Plan⁴ and policy D3 emphasises a design-led approach for all new development. The Council's Residential Design Guide⁵ requires extensions to have a sense of proportion, both in its own right and in relation to the original building, amongst other things.
7. On this issue I conclude that the size of the extension would be out of proportion to the original house and therefore have a harmful effect on the character and appearance of the area contrary to the above policies.

Living Conditions

8. There is a gap between Nos 118 and 120 so the extension would be sited a short distance from the side boundary with No 120. The effect on No 116 would be greater as these two houses are attached and the extension, as so far constructed, extends a considerable distance very close to the boundary. No 116 has been extended itself with a single storey extension but no 118's extension projects beyond that and would also have the addition of a stepped access.
9. The size of the extension would have an adverse effect of the occupiers of both neighbouring houses causing some overshadowing during different times of the day and a poor outlook generally. It would also appear overbearing from the rear gardens of both neighbouring houses, especially due to the height, which I accept would be necessary, due to land levels.
10. In assessing design considerations, Local Plan Policy DM 1 also indicates that the Council will resist proposals that would be detrimental to the amenity of neighbouring properties. Amongst other things this includes considering the visual impact of development and the relationship between buildings and site boundaries. Amongst other things, Policy D3 of the 2021 London Plan requires new development to deliver appropriate outlook and amenity. Also, the

² Harrow Core Strategy February 2012.

³ Harrow Council Development Management Policies July 2013.

⁴ Mayor of London The London Plan The Spatial Development Strategy for Greater London March 2021.

⁵ Harrow Council London Local Development Framework Supplementary Planning Document Residential Design Guide, Adopted 15 December 2010.

Council's Residential Design Guide advises careful consideration to loss of light and outlook to neighbouring residential properties. It also provides specific advice on single storey rear extensions.

11. On this issue I consider that due to the overall rear projection of the extension and the height difference between the house and the garden, the proposal would have a harmful effect on the living conditions of the occupiers of the neighbouring properties at Nos 116 and 120 contrary to the above policies.

Conclusion

12. I have considered all matters raised but none alter my conclusion. I conclude that the extension would have a harmful effect on the character and appearance of the area and on the living conditions of the occupiers of Nos 116 and 120 Somervell Road. It would conflict with the policies referred to above and therefore the appeal fails.

J D Clark

INSPECTOR