



Appeal Decision

Site visit made on 1 June 2021 by Max Webb BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/M5450/D/21/3270071

Spring Lake, 7 Hall Farm Close, Stanmore HA7 4JT

- 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 Amos Weinfeld against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3360/20, dated 16 September 2020, was refused by notice dated 17 December 2020.
 - The development proposed is alterations to the existing south-western façade, replacement of window with balcony and balustrade.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to the existing south-western façade, replacement of window with balcony and balustrade at Spring Lake, 7 Hall Farm Close, Stanmore HA7 4JT in accordance with the terms of the application Ref P/3360/20, dated 16 September 2020 and 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: the site location plan, ASLTD13-AW-AR-01 and ASLTD13-AW-AR-02.
 - 3) The balcony hereby approved shall not be used until details of the obscure glazing to be used on the frameless glass balustrades have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details, installed prior to the use of the balcony, and thereafter retained.

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.

Procedural Matter

3. Since the determination of this application a new London Plan (2021) has been adopted. New policies have superseded the previous policies, and appeals must be assessed against the current development plan. The relevant emerging policies were taken into account by the Council during the application process, and the appellant has also had the opportunity to take these policies into consideration.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of 6 Hill Farm Close, with particular regard to privacy and the potential for noise and disturbance.

Reasons for the Recommendation

5. The properties on this street, including the appeal dwelling, sit within relatively spacious plots. The appeal property has a large window at first-floor level in the side elevation that faces the neighbouring property at 6 Hill Farm Close. This window overlooks a small first-floor window in the side elevation of No.6, as well as some of the rear patio area and rear garden of this property.
6. The proposal seeks to replace the window with French doors and a balcony. The balcony would be slightly closer to the shared boundary with No.6 and would therefore only marginally increase the area of the rear garden that can be seen. The angle of No.6 and the location of the proposed balcony means the majority of the rear garden space would not have increased levels of overlooking, particularly the likely most used area on the patio.
7. The proposal would use obscure glazing for the frameless glass balustrades on the balcony. This would not completely protect the neighbour's privacy, as being stood on the balcony as well as looking directly out of the proposed French doors would still allow some views of No.6. However, it would considerably reduce the amount of overlooking possible from within the room, as well as if sat on the balcony.
8. When the small increase in overlooking from the balcony is taken together with the reduced overlooking from within the room, the net loss of privacy would be minimal and therefore would not cause significant harm to the living conditions of the neighbouring property.
9. The proposed development would be a reasonable distance from the shared boundary. The development would also be a significant distance from the usable garden space to the rear of the neighbouring property, which would reduce the effects of any noise or activity on the balcony. Furthermore, activity on the proposed balcony would be no different than general garden activity and this, combined with the distance from the most usable garden space in No.6, would ensure the proposal would not cause an unacceptable level of noise or disturbance for the neighbouring property.
10. Overall, the proposed balcony would not cause a significant increase in overlooking or noise and disturbance and would therefore not cause any substantial harm to the living conditions of the occupants of No.6. The proposal would thus conform with Policy DM1 of the Harrow Development Management Policies (2013), which seeks to protect neighbouring residents from the effects of overlooking. It would also comply with Policy CS1.B of the Harrow Core Strategy (2012), which aims to maintain adequate spacing between properties. It would likewise accord with Policies D1 and D3 of the London Plan (2021), which together intend to deliver appropriate design that protects residential privacy and amenity. It would also comply with part 6 of the Supplementary Planning Document Residential Design Guide (2010) which seeks to prevent development that would result in an unreasonable loss of privacy.

Other Matters

11. The Council has concluded that, due to the scale of the development, the proposal is not considered to be a disproportionate addition that would harm the openness of the Green Belt. It is therefore not considered to amount to inappropriate development in the Green Belt. I find no reason to disagree.

Conditions

12. The standard time condition and plans condition have been recommended for reasons of certainty and precision. The condition ensuring the use of obscure glazing in the construction of the balcony has been suggested to achieve a suitable level of privacy for the neighbouring property.

Conclusion and Recommendation

13. For the reasons given above and having had regard for the Development Plan when it is considered as a whole, I recommend that the appeal is allowed.

Max Webb

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.

K Taylor

INSPECTOR