



Appeal Decision

Site Visit made on 6 September 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2021

Appeal Ref: APP/M5450/D/21/3270541

7 Willowcourt Avenue, Harrow HA3 8ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Shushil Halai against the decision of London Borough of Harrow.
 - The application Ref P/4668/20/PRIOR, dated 21 December 2020, was refused by notice dated 1 February 2021.
 - The development proposed is Single storey rear extension: 6.00 Metres deep, 3.25 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 Schedule 2, Part 1, Class A, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for a single storey rear extension: 6.00 metres deep, 3.25 metres maximum height, 3.00 metres high to the eaves at 7 Willowcourt Avenue, Harrow HA3 8ER in accordance with the terms of the application, Ref P/4668/20/PRIOR, dated 21 December 2020, and the details submitted with it, subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be installed to the south-eastern flank elevation of the extension hereby permitted.

Preliminary Matters

2. Since the determination of the application that is now the subject of this appeal, the London Plan 2021 was published in March 2021. Further, a revised version of the National Planning Policy Framework (the Framework) was published in July 2021. Due to the limited implications of these occurrences for the proposal that is under consideration, I have not considered it necessary to seek the respective views of the main parties.
3. As set out under Paragraph A.4 to Part 1 of the GPDO, where an adjoining occupier objects to the proposed development of a larger home extension, as is the case here, the Local Planning Authority is required to assess the scheme's impact upon the amenity of all adjoining premises whilst considering any representations received. The Council has not alleged that the proposal fails to

comply with any other condition, limitation or restriction potentially applicable to the proposal, and I shall consider the appeal accordingly.

Main Issue

4. The effect of the proposal on the amenity of adjoining premises, having particular regard to its effect upon the occupiers of No 5 Willowcourt Avenue (No 5).

Reasons

5. The appeal property (No 7) is semi-detached and served by an existing single storey rear extension. The scheme involves the replacement of the existing extension with a single storey structure of greater depth that would cover the full width of No 7. No 5 is attached to the side of the appeal property and has not been extended to the rear. Its rear-facing elevation contains two sets of glazed doors at ground floor (the glazed doors). These each provide direct access to an external patio and serve internal habitable areas that I understand are well-used by No 5's occupier(s).
6. Given the orientation of the site, the proposed extension would not have a significant impact upon the levels of direct sunlight able to reach the rear elevation and external grounds of No 5. Similarly, owing much to the somewhat modest height and non-excessive depth of the proposal, no undue reduction in accessible daylight for No 5's occupiers would be anticipated. This has been corroborated through the submission of a Daylight and Sunlight Assessment (February 2021), where nominal reductions in the Vertical Sky Components appreciable from the glazed doors have been calculated.
7. It is also important to note that No 5 is served by a spacious rear garden of generous length that is, for the most part, not abutted by adjoining built form. Predominantly unimpeded and open views to the rear would prevail for No 5's occupier(s). Moreover, the proposed extension would only be visible at oblique angles when experienced from the glazed doors. When again factoring in the modest height of the proposed development, it would not be experienced as overbearing nor have an undue adverse impact upon the outlook available from either the internal or external areas of No 5.
8. The Council's Residential Design Guide Supplementary Planning Document (December 2010) (the SPD) contains advice with respect to single storey rear extensions and, amongst other provisions, indicates a need for consistency with permitted development limits to be applied. Nevertheless, the SPD was published in advance of amendments made to national permitted development rights which now offer a prior approval application route for larger home extensions. Indeed, such an application is the subject of this appeal. I thus attach limited weight to the SPD's guidance in so far as it relates specifically to single storey rear extensions.
9. For the above reasons, the proposal would have an acceptable impact upon the amenity of adjoining premises having particular regard to its effect upon the occupiers of No 5. Furthermore, I am satisfied that the amenities of all other adjoining premises would be appropriately safeguarded. The scheme satisfactorily accords with Policy DM1 of the Harrow Council Development Management Policies (July 2013) in so far as it sets out that all development proposals must achieve a high standard of privacy and amenity.

Other Matters

10. Concerns raised with respect to the proposal not being in keeping with the street or other houses nearby are not relevant to my determination of this appeal. Unlike where an application for planning permission has been submitted, my considerations are necessarily limited to the provisions of Schedule 2, Part 1 of the GPDO and, more specifically, to the relevant matters listed under Paragraph A.4.

Conditions

11. Sub-paragraph (12) of Paragraph A.4 allows for the imposition of conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises. In the interests of ensuring that the privacy of No 5's occupier(s) is not compromised, a condition to guard against any future installation of openings to the extension's south-eastern flank is both reasonable and necessary. Given the development's setback positioning relative to the site's north-western boundary, the same restriction is not necessary to impose to the extension's opposite flank.
12. Paragraph A.3 of Part 1 of the GPDO sets out that the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Therefore, it is not necessary to impose an additional condition in this respect.

Conclusion

13. For the reasons set out above, the appeal is allowed and prior approval is granted.

Andrew Smith

INSPECTOR