The Planning Inspectorate

Appeal Decision

Site visit made on 7 February 2022 by B Phillips BSc MSc MRTPI

Decision by Hollie Nicholls FdA MSc MTRPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/M5450/D/21/3273042
32 Coledale Drive, Stanmore HA7 2QF

- 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 GPDO).
- The appeal is made by Mr Jinal Vekaria against the decision of London Borough of Harrow.
- The application Ref P/0572/21/PRIOR, dated 10 February 2021, was refused by notice dated 14 April 2021.
- The development proposed is a Single Storey Rear Extension: 6.00 Metres Deep 3.17 Metres Maximum Height And 3.00 Metres High To The Eaves.

Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a 6 metre deep single storey rear extension at 32 Coledale Drive, Stanmore, HA7 2QF, in accordance with the application P/0572/21/PRIOR, made on 10 February 2021 and the details submitted with it including drawings PR21-017f, PR21-017e, PR21-017d, PR21-017c, pursuant to Article 3(1) and Schedule 2, Part 1, Class A paragraph A.4(2).

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.

Main Issue

3. The main issue is the effect of the development on the living conditions of adjoining occupiers for the purposes of Paragraph A.4 of Class A of Part 1 of Schedule 2 of the GPDO.

Reasons for the Recommendation

4. The appeal property is a semi-detached dwelling with a large garden to the north. The proposed development would introduce a single storey rear extension onto the property. The plans show that the proposed full width extension would extend 6m to the rear from the original rear wall and have an eaves height of 3m.

5. Paragraph A.4(1) sets out several limitations which development permitted under Class A which exceeds the limits in paragraph A.1(f) but is allowed by

paragraph A.1(g) must adhere to. Paragraphs A.4(2) to A.4(9) set out procedures for which the prior approval of the Council must be sought before such development under Class A can commence.

6. Paragraph A.4 (7) of the GDPO requires that, where any owner or occupier of an adjoining premises objects to a proposed development that the Local Planning Authority must assess the impact of the proposal on the amenities of any adjoining premises, taking into account any representations made.

7. The neighbouring property, No 30 has a rear extension which the Council measure at 2.6m in depth. The proposed extension, which would replace an existing rear projection, would extend 3.4m past this neighbouring extension.

8. I note the comments made by the Council with regard to paragraph 6.59 of the Residential Design Guide Supplementary Planning Document 2010 (RDGSPD). The RDGSPD is not part of the development plan for the area and only provides guidance, and this paragraph only provides general and vague advice in terms of rear extension depths. It sets out that extensions will be considered against, amongst other matters, permitted development rights, site considerations and impact on the amenity of neighbours.

9. The outlook from the rear facing windows of No 30 is set over a generous garden. I am satisfied that the proposal, by virtue of its minor projection on the boundary past the existing rear projection of this neighbour and limited 3m eaves height, would not be overbearing on the outlook from these windows.

10. Similarly, I note that the submitted drawings show that the rear gardens of the appeal property and its next door neighbours face in a generally north-north-westerly direction, away from the sun for most of the day. Therefore, the erection of a single-storey rear extension would be unlikely to have a significant impact in this regard.

11. The extension would be set away from the boundary with No 34. Whilst this neighbour has no rear projection, given this separation distance, I am satisfied that the extension would not be overbearing on the outlook from the rear facing windows. It is unlikely therefore that the proposal would result in a loss of light or sunlight to the windows or the garden to this property.

12. For the reasons above, I am not persuaded that the appeal proposal would have an unacceptable impact on the amenity of the adjoining premises, including the properties along Wemborough Road to the rear which are a significant distance away. It would, in so far as it relates to the matters contained under relevant parts of Schedule 2, Part 1, Class A of the GPDO, accord with Policy DM1 (achieving a high standard of development) contained in the Development Management Policies document (2013).

Conditions

13. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions A.4(11b), that development is carried out in accordance with the information provided. Paragraph A.3 (a) of the GPDO requires that the materials used in any exterior work should be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, and prior approval should be granted.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

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

Hollie Nicholls

INSPECTOR