



Appeal Decision

Site visit made on 22 February 2022

by J Davis BSc (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2022

Appeal Ref: APP/M5450/D/22/3290983
13 Bellamy Drive, Stanmore, HA7 2DD

- 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 Ravi Chandran against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4035/21, dated 4 October 2021, was refused by notice dated 29 November 2021.
 - The development proposed is construction of a single-storey rear and part first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single-storey rear and part first floor rear extension at 13 Bellamy Drive, Stanmore, HA7 2DD in accordance with the terms of the application, Ref P/4035/21, dated 4 October 2021, 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: 3364/DJ/01; 3364/DJ/02 Rev A; and 3364/DJ/03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No window(s)/door(s) shall be installed in the flank elevations of the development hereby permitted without the prior permission in writing of the local planning authority.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 11 Bellamy Drive.

Reasons

3. The appeal property is a two-storey, semi-detached dwelling, located in a road comprising of residential properties of a similar character and appearance.

4. The appeal proposal is for a part single storey, part two storey rear extension. The part of the extension closest to the adjoining semi, 15 Bellamy Drive, would be single storey, whilst the closest part of the extension to 11 Bellamy Drive would be two storey, with a depth of 3 metres.
5. The Harrow Supplementary Planning Document – Residential Design Guide (2010) (SPD) provides detailed design guidance for residential development. It states that extensions should not cause any unreasonable loss of light or overshadowing to any habitable rooms and kitchens in neighbouring properties, or to gardens, in particular to the area immediate to the rear of the house. Whilst not forming part of the statutory development plan, the SPD does nonetheless provide useful guidance.
6. To help assess the impact of proposals in this regard, the SPD sets out guidance in the form of the 45 Degree Code. For two storey or first floor rear extensions, the Code advises that no part of any new extension should interrupt a 45 degree splay drawn on plan from the nearest first floor or two storey corner of any next door dwelling. The SPD does however states that the Code should not simply be applied on a mechanical basis but always be applied as part of an assessment of the site considerations.
7. The proposed extension would breach the 45 degree splay set out in the SPD. There are, however, several other important considerations. The boundary with 11 Bellamy Drive is formed by a closed boarded fence of about 2 metres in height. No 11 has a single storey extension to the rear. Beyond that extension is a single storey outbuilding which is positioned adjacent to the boundary with the appeal site. The proposed extension would have a similar depth to the single storey extension to No 11 and I am satisfied that the proposal would not have any adverse effect on the ground floor accommodation within that dwelling.
8. Furthermore, the proposed extension would be adjacent to a side accessway between the two dwellings and having regard to this and the positioning of the outbuilding to the rear of No 11, I am satisfied that the proposed extension would not appear overbearing or result in a material loss of light to the garden of No 11.
9. The closest first floor habitable room window on the rear of 11 Bellamy Drive is well set in from the corner of the property and from the side boundary with the appeal site. I also note that the proposed extension would be oriented broadly to the north of No 11. Given this orientation and the separation distance between the first floor window on the rear of No 11 and the proposed extension, I am satisfied that the proposal would not result in any significant loss of light to the window. Furthermore, I do not consider that the proposed extension would materially harm the outlook from the first floor window on the rear of No 11.
10. In conclusion, despite some conflict with the advice contained within the SPD, I find that the proposal extension would not have a harmful effect on the living conditions of the occupiers of 11 Bellamy Drive. Thus, it would comply with Policy D3 D (1) and (11) of The London Plan (2021), Policy CS1.B of the Harrow Core Strategy (2012), Policy DM 1 of the Harrow Development Management Policies Local Plan (2013). Collectively, these policies require development to achieve a high level of privacy and amenity and to be of a high-quality design and layout.

11. The proposal would also comply with paragraph 130(f) of the National Planning Policy Framework which seeks a high standard of amenity for existing and future users.

Other matters

12. The Council has questioned the accuracy of the plans as an existing outbuilding to the rear of the appeal property is not shown on either the existing or proposed plans. However, this building has the appearance of a temporary structure and accordingly, I am satisfied that sufficient outdoor space would be likely to be retained to the rear of the dwelling.

Conditions

13. In addition to the standard 3 years implementation condition, I have imposed a condition requiring the extension to be constructed in matching materials to ensure a satisfactory external appearance. The approved plans condition is imposed for clarity. I shall impose a condition to prevent the insertion of openings on the side elevations of the extension, to protect the living conditions of neighbouring occupiers.

Conclusion

14. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR