



Appeal Decisions

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

Decision by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2022

Appeal A Ref: APP/M5450/D/21/3275414

6 Lorne Road, Harrow HA3 7NH

- 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 Nathan Subramaniam against the decision of the London Borough of Harrow.
 - The application Ref P/1129/21/PRIOR, dated 17 March 2021, was refused by notice dated 12 May 2021.
 - The development proposed is a single storey rear extension: 6.00 metres deep, 3.00 metres maximum height and 3.00 metres high to the eaves.
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Appeal B Ref: APP/M5450/D/21/3277372

6 Lorne Road, Harrow HA3 7NH

- 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 Nathan Subramaniam against the decision of the London Borough of Harrow.
 - The application Ref P/1887/21/PRIOR, dated 5 May 2021, was refused by notice dated 18 June 2021.
 - The development proposed is a single storey rear extension: 5.00 metres deep, 3.00 metres maximum height and 3.00 metres high to the eaves.
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Decision

1. Appeal A is dismissed, and Appeal B is dismissed.

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.

Preliminary Matters

3. As set out above, there are two separate appeals on this site, both for similar large rear extensions but Appeal A proposing an extension of 6m depth, and Appeal B proposing a 5m depth. A letter of objection was received for both, and the Council refused both appeals for the same reason.
4. The Council's delegated reports repeatedly refer to the impact of the development upon No 6. This appears to be a simple error and should refer to No 8. I have considered it as such.

Main Issue

5. The main issue for both appeals is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO) and the impact of the proposed development on the amenity of adjoining premises with regard to light and outlook.

Reasons for the Recommendation

Appeal A

6. The appeal property is a mid-terraced dwelling with a large garden to the west. The proposed development would introduce a single storey rear extension onto the property. The plans show the proposed full width extension would extend 6m to the rear and have an eaves height of 3m.
7. 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.
8. 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, not only those who have objected, but taking into account any representations made.
9. I note the comments made with regard to the Residential Design Guide Supplementary Planning Document 2010 (RDGSPD). The RDGSPD sets out that extensions will be considered against, amongst other matters, permitted development rights, site considerations and impact on the amenity of neighbours. I have had regard to the RDGSPD in so far as it relates to the main issue.
10. I saw on site that the appeal property and No 8 to the north have a small single storey projection on the boundary, providing storage areas, along with a further timber lean-to element, which is not shown on the submitted plans. The appellant states that the brick structure projects a total of approximately 1.5m and the lean-to element a further 2.6m. Whilst dilapidated, this lean to projection includes brick elements and a corrugated sheet roof and as such appears a permanent construction.
11. The extension would therefore project less than 2m past this structure. The outlook from the rear facing windows of No 8 is set over a good sized 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.
12. I note that the proposed extension would be sited to the south of this neighbour. However, the limited additional depth means that the additional overshadowing and impact on daylight over the existing boundary structure would again not be significant.

13. Similarly, the extension would be sited directly north of No 4. As such, the extension would be unlikely to have a significant impact with regards to impact on daylight or overshadowing.
14. However, No 4 has no structure on its boundary and has a large dining room window in close proximity. The proposed extension would project a full 6m along the boundary at 3m height. Whilst the existing boundary fence is visible, the current outlook from this window takes in the sky above the fence, in addition to views over the garden.
15. Whilst the garden is a good size and views over it would remain, the occupants of No 4 would be faced with a blank, brick elevation in close proximity which would restrict the existing outlook and be visually dominant, even over the existing boundary wall and fence. It would result in undue harm to the outlook from this neighbouring window, as well as from the garden space of No 4. The development would adversely affect the quality of living conditions available to users of the room served by the window and the garden area as a result.
16. This impact would be noticeably and demonstrably greater than would be the case from a permitted development extension of 3m depth.
17. In light of the foregoing, I conclude that the proposed development with regards to Appeal A would, by virtue of its scale and siting, harm the living conditions of the occupiers of the adjoining property (No 4). As a result, the proposed development would conflict with the provisions of Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO. It also conflicts with Policy DM1 of the Development Management Policies Local Plan document (2013).

Appeal B

18. The extension proposed under this appeal is 1m shorter in depth than that proposed under Appeal A. It follows therefore that as I found that the impact of the extension on No 8 is acceptable for a 6m extension, a 5m extension would also be acceptable.
19. With regards to No 4, again, as the extension would be sited directly north of No 4 it would be unlikely to have a significant impact with regards to impact on daylight or overshadowing.
20. However, the extension would project 5m along the boundary. This depth of extension, at 3m eaves height, would be demonstrably greater than a permitted development 3m deep extension and would be significantly taller than the existing boundary wall and fence. It would restrict the existing outlook, as set out above, and again would result in a blank, brick elevation in close proximity that would restrict the existing outlook and be visually dominant. It would result in undue harm to the outlook from this neighbouring window, as well as from the garden space of No 4.
21. In light of the foregoing, I conclude that the proposed development with regards to Appeal B would, by virtue of its scale and siting, harm the living conditions of the occupiers of the adjoining property (No 4). As a result, the proposed development would conflict with the provisions of Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO. It also conflicts with Policy DM1 of the Development Management Policies Local Plan document (2013) to which I have had regard insofar as it relates to amenity.

Other Matters

22. My attention has been drawn to an example at No 12 Lorne Road¹ where prior approval has been granted by the Council for proposals that the appellant contends are comparable to this case. I note that no objection was received from a neighbour in this case, and as such the requirement to consider the impact upon neighbouring amenity under paragraph A.4 (7) of the GDPO was not triggered. As such this scheme is not directly comparable. Notwithstanding this, the example does not alter the legislation on which I must base my decision.

Conclusion and Recommendation

23. For the reasons given above and having had regard to all other matters raised, I recommend that Appeal A and Appeal B should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis Appeal A and Appeal B are dismissed.

Caroline Mulloy

INSPECTOR

¹ Application reference P/2939/17