
Appeal Decision

Site visit made on 21 March 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2022

Appeal Ref: APP/M5450/D/21/3282326

80 Woodberry Avenue, Harrow, London, HA2 6AX

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr D Sabesan against the decision of London Borough of Harrow.
 - The application Ref P/2663/21/PRIOR, dated 28 June 2021, was refused by notice dated 23 August 2021.
 - The development proposed is for a single storey rear extension: 6.00 metres deep, 4.00 metres maximum height and 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 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) (the GPDO) for a single storey rear extension at 80 Woodberry Avenue, London, HA2 6AX in accordance with the terms of the application, Ref P/2663/21/PRIOR, dated 28 June 2021, and the details and plans submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class A.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
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 Issues

4. The main issue is the effect of the proposal on the amenity of adjoining premises, having particular regard to its effect upon the occupiers of No 78 Woodberry Avenue.

Reasons

5. The proposal for a pitched roof single storey rear extension, which would project 6m from the original rear elevation. This proposed extension would be

- built adjacent to the side boundary with No 82 Woodberry Avenue. It would be set off the side boundary with No 78 Woodberry Avenue.
6. For No 82, although the proposed extension would be immediately adjacent to the boundary with this property, there is already rear projection with No 82 adjacent to this boundary. As such, whilst the proposed extension would project further than the neighbour's extension, it would not appear as imposing or have as much visual impact as only a section of the proposed extension would be visible from No 82's garden or rear ground floor windows. The amenities of those at No 82 would therefore be satisfactorily preserved.
 7. The Council have stated that a 6m rear extension near to the boundary would have an unreasonable degree of impact to the living conditions of No 78. However, the proposal is for a single storey extension which would be set off the boundary. The extension would be partially visible above the boundary fence, but given its position set off the boundary it would not be overbearing or result in any material adverse impact to the outlook from the rear ground floor windows of No 78. Furthermore, given the position of the proposed extension off the boundary and its single storey height there would be no significant overshadowing impact/loss of daylight as a result of the proposals. There are no side windows proposed in the flank walls, but as a single storey extension there would be limited potential to reduce neighbour privacy.
 8. I acknowledge the Harrow's Residential Design Guide supplementary planning document (SPD) (2010) and its "two for one" rule. Nonetheless, after being on site and considering the relationship between the proposed extension and the neighbouring property at No 78 it is my judgement that there would be no material adverse impact to the living conditions of this neighbouring property.
 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 78. There would also be no harm to the living conditions of those living at properties to the rear of No 80. I am satisfied that the amenities of all adjoining premises would be appropriately safeguarded. The scheme satisfactorily accords with Policy DM1 of the Development Management Policies Local Plan document (2013) and also is in broad accordance with the Harrow Supplementary Planning Document Residential Design Guide (2010). These policies require development to safeguard against detrimental impact to neighbour amenities and privacy, amongst other things.

Conditions

10. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse. In addition, the formal decision includes within it reference to the approved plans.
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.
12. The Council have recommended a condition that would restrict the installation of any windows or doors to be installed in the flank elevations of the development. However, as this is a single storey ground floor extension

proposed then overlooking potential is limited. 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.

Mr S Rennie

INSPECTOR