
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/21/3282921

90 Malvern Gardens, HARROW, HA3 9PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 Bose against the decision of London Borough of Harrow.
 - The application Ref P/2382/21/PRIOR, dated 8 June 2021, was refused by notice dated 3 August 2021.
 - The development proposed is for a single storey rear extension: 6.00 metres deep. 3.00 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 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 90 Malvern Gardens, HARROW, HA3 9PG in accordance with the terms of the application, Ref P/2382/21/PRIOR dated 8 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 Issue

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 88 Malvern Gardens (No 88).

Reasons

5. The proposal is to remove an existing small single storey extension and to replace it with a larger flat-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 fence of No 88.

6. 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 neighbours at No 88. However, given that the proposal is for a flat roof extension of 3m height it would not be of much greater visual impact than the existing high boundary fence. The extension would be visible above the fence, but not to a degree that it would be overbearing or result in any material adverse impact to the outlook from the rear ground floor windows of No 88, or from within the garden area. Being single storey, there would be no adverse overlooking impact. Furthermore, being that the garden and house of No 88 is to the south of No 90 there would be no significant overshadowing impact or loss of daylight as a result of the proposed single storey extension.
7. 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 88. I am satisfied that the amenities of all other adjoining premises would be appropriately safeguarded also, with the extension to be set off the boundary with No 92 Malvern Gardens and would also be a significant distance from the nearest properties at Winchester Road. The scheme satisfactorily accords with Policy DM1 of the Development Management Policies Local Plan document (2013) and also the relevant sections of the Harrow Supplementary Planning Document Residential Design Guide (2010). These policies require development to ensure against detrimental impacts to privacy or amenity of neighbours.

Conditions

8. 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.
9. 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.
10. 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, with the fence to the boundary with No 88 likely to be sufficient to maintain privacy if a side window or door was installed for example. Therefore, it is not necessary to impose an additional condition in this respect.

Conclusion

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

Mr S Rennie

INSPECTOR