



Appeal Decision

Site visit made on 23 August 2022 by M Long BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/M5450/D/22/3292654

48 Binyon Crescent, Stanmore HA7 3NF

- 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, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mrs Mariana Sambritchi against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4545/21/PRIOR, dated 14 November 2021, was refused by notice dated 23 December 2021.
 - The development proposed is a single-storey rear extension with roof window projecting 5.4 metres from the original house with eaves at 3.0 metres and highest point no more than 3.3 metres.
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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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single-storey rear extension with roof window projecting 5.4 metres from the original house with eaves at 3.0 metres and highest point no more than 3.3 metres at 48 Binyon Crescent, Stanmore HA7 3NF in accordance with the application Ref P/4545/21/PRIOR, dated 14 November 2021, and the details submitted with it including Drawing Nos PA-01 (Revision A), PA-02 (Revision A), PA-03 (Revision A), PA-04 (Revision A), PA-05 (Revision A), PA-06 (Revision A), PA-07 (Revision A), PA-08 (Revision A), PA-09 (Revision A), and PA-10 (Revision A), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the GPDO.

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.

Procedural Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO (as amended), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Paragraph A.4(7) to Part 1 requires the local authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. As an objection was received by the

Council, they assessed the impact of the proposal on all adjoining neighbours. My consideration of this appeal has been made in the same manner.

Main Issue

5. I consider that the main issue in this appeal is the impact of the proposed development on the amenity of adjoining premises.

Reasons for the Recommendation

6. The appeal site is a semi-detached dwelling on the south-east side of Binyon Crescent. Its attached neighbour to the north-east, No 50, is a two-storey dwelling with a sizeable rear garden. The pair share a rear boundary wall and both properties have similar large outbuildings positioned a short distance from their original rear elevation and against this boundary. No 50 has a small rear window and door serving a kitchen which are located close to the boundary with the appeal site. During the site visit, I observed that the appeal dwelling was undergoing considerable works, including the construction of a single-storey rear extension across the full width of the original dwelling which appeared to have a depth and height of approximately 3 metres.
7. The proposed extension would have a depth of approximately 5.4 metres and would cover the full width of the original dwellinghouse. The proposal would be constructed against the shared boundary with No 50 and result in the removal of the existing outbuilding against this boundary. The extension would have a maximum eaves height of 3 metres and maximum overall height of 3.3 metres.
8. The north-east elevation of the smaller extension being constructed at the site has significantly increased the height of the shared boundary close to the rear of the semi-detached dwellings and has somewhat diminished the outlook and light available to No 50. The appeal scheme would increase the extension's depth to approximately 5.4 metres, however, due to the position of the existing outbuilding at No 50, only a small amount of the extended elevation would be visible above the roof of the outbuilding. As such, the outbuilding would sufficiently mitigate any additional harm to outlook and light; it would also serve to limit the proposal's visual impact when viewed from the rear of No 50.
9. While the rear openings serving the kitchen at No 50 are close to the shared boundary, their small size, in combination with the position of the outbuilding, would limit views of the extended depth of the appeal scheme. Therefore, there would be no unacceptable reduction of outlook nor visually intrusive impact from the inside of the property. The orientation of the semi-detached pair would result in some loss of light to No 50 towards the end of the day. However, this reduction would be modest beyond the impact of the smaller extension already at the site and so would not give rise to undue harm to the living conditions of the neighbouring occupiers. Given the distance of the appeal scheme from other adjoining premises, there would be no harm to the amenity of their residents.
10. The Residential Design Guide Supplementary Planning Document (2010) (SPD) states that the acceptability of an extension will be determined on a case by case basis taking into account the particular site considerations including existing features such as outbuildings. It also states that rear extensions should not cause an unreasonable loss of amenity to neighbouring residents. Given the existing smaller extension at the appeal site, and the outbuilding at

No 50, the proposal would not result in any additional undue harm to the amenity of neighbouring residents and would therefore accord with the overarching aims of this document. In any event, the SPD is not adopted policy and, in this prior approval process, rear extensions are principally assessed on their effect on the amenity of any adjoining premises. Any conflict with the SPD does not form an overriding consideration in this appeal process.

11. Overall, there would be no harmful impact on the amenity of the occupiers of any adjoining premises. The proposal would comply with Policy DM1 of the Harrow Council Development Management Policies, adopted July 2013, which seeks to prevent proposals that would be detrimental to the amenity of neighbouring occupiers.

Other Matters

12. Concerns have been raised with regards to noise associated with the proposed works at the property, however the appeal scheme is a small scale householder extension that is unlikely to result in unreasonably loud or overly extensive periods of noise. Concerns have also been raised over whether planning regulations would be fully complied with. A decision in this appeal would only grant approval for the scheme proposed in the submitted details, future compliance is not an issue which can be considered in reaching a recommendation.

Conclusion and Recommendation

13. Based on the above, I recommend that the appeal should be allowed and prior approval should be granted.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR