

Appeal Decision

Site visit made on 14 September 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022.

Appeal Ref: APP/M5450/D/22/3303310

19 Bethcar Road, Harrow, HA1 1SE

- 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 Rajeshkumar Jain against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1332/22, dated 4 April 2022, was refused by notice dated 30 May 2022.
 - The development proposed is a detached outbuilding to use as a gaming room/gym/store room.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant states that he could construct a different outbuilding to the rear than that proposed under the provisions of Class E, Part 1 Schedule 2 of the Town and Country Planning GPDO. Whilst I note this, I am mindful that the proposal before me does not comprise permitted development.
3. In its reasons for refusal the Council referred to harm by reason of overshadowing and daylight. However, no substantive evidence was produced in support of this and I am mindful in this respect that the proposal would involve the removal of large trees, including trees not subject to any Tree Preservation Order. Consequently, this decision focuses upon the main issue set out below.

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers with regards to outlook.

Reasons

5. The appeal property is an extended two storey semi-detached dwelling. It is located in a residential area largely characterised by the presence of similar two storey detached dwellings set back from the road behind parking areas and/or small gardens and with modest gardens to the rear.
 6. During my site visit, I noted that the appeal property's rear garden backs on to other rear gardens and that the surrounding character of this back garden area is notably green and spacious. Whilst I observed the presence of various
-

outbuildings, the majority of these appear as modest ancillary buildings, including sheds and small structures, commonly associated with gardens.

7. The proposed development would comprise a large outbuilding located at the centre of the rear of the garden. The proposal would be of a significant scale and would appear particularly dominant due to the substantial proposed height of the structure.
8. Taking account of its proposed dimensions, prominent position and the modest overall size of the appeal property's garden and those of its neighbours, I find that the proposed outbuilding would draw attention to itself as an unduly large and dominant built feature, out of keeping with its green surroundings.
9. It would be so tall as to loom above garden fences and appear visually dominant in comparison to most other visible garden structures. Consequently, I consider that the proposal would appear as an incongruous feature that would detract considerably from the existing outlook of neighbouring occupiers across garden land.
10. Taking the above into account, the proposed development would harm the living conditions of neighbouring occupiers with regards to outlook, contrary to the National Planning Policy Framework; to London Plan (2021) Policy D3; to Core Strategy¹ Policy CS1; to DMP² Policy DM1 and to the Council's Supplementary Planning Document: Residential Design Guide (2010), which together amongst other things, seek to protect residential amenity.

Other Matters

11. In support of the proposal, the appellant draws attention to another development elsewhere. However, I find that the specific circumstances relating to this other development differ to those relating to the proposal before me. Notwithstanding this, I have found that the proposal would result in harm and this is not a matter mitigated or outweighed by the presence of other developments elsewhere.

Conclusion

12. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

¹ Reference: Harrow Core Strategy (2012).

² Reference: Harrow Development Management Policies Local Plan (2013).