



Appeal Decision

Site visit made on 16 January 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/M5450/D/22/3307507

82 Sherwood Road, Harrow HA2 8AR

- 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 Ms Usha Bhari against the decision of Harrow Council.
 - The application Ref P/1655/22, dated 5 May 2022, was refused by notice dated 5 July 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 82 Sherwood Road, Harrow HA2 8AR in accordance with the terms of the application, Ref P/1655/22, dated 5 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12 and 13.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows or doors shall be installed in the flanks of the development hereby permitted.

Main Issue

2. The main issue is the effect of the proposal on the living conditions at 84 Sherwood Road ('No 84'), with particular regard to outlook.

Reasons

3. The Harrow Residential Design Guide Supplementary Planning Document 2010 ('SPD') states at paragraph 6.59 that the acceptable depth of single storey rear extensions will be informed by permitted development criteria, and by other matters such as site considerations, scale, the character of the area, and the impact on neighbouring residents. It continues that where an extension would abut a neighbouring property, it should be a maximum of 3 metres high on the boundary if flat-roofed, and 3.5 metres high at its mid-point if pitched.

4. The host is the end property in a short terrace. The proposed extension would project around 3.5 metres from the host's principal rear face but, as it would fill in the gap to the side of its outrigger, its side elevation on the boundary with No 84 would be longer.
5. However, whilst No 84 has a nearby rear-facing ground floor habitable room window, and a side-facing kitchen window in its outrigger, the extension's roof would slope down towards the boundary, and the part abutting it would be just 2.45 metres high, and thus not much taller than the existing fence. Having regard to ground levels, the eaves of the proposed extension would be roughly level with the top of No 84's ground floor rear window.
6. Consequently, whilst the proposed extension would be clearly visible from No 84's closest ground floor rear and side-facing windows, its height and bulk would be limited, and it would not have an overbearing impact. Additionally, whilst that part of No 84's outdoor space closest to the proposed extension would become more enclosed, most of its garden, which is further away, would not be significantly impacted.
7. As a result, the scheme would not impact the living conditions at No 84 to a harmful degree. It would not therefore conflict with Policy D3(7) of the London Plan 2021, and Policy DM1 of the Harrow Development Management Policies 2013, which collectively require proposals to deliver an appropriate outlook, privacy and amenity, having regard to matters including scale, bulk and height, the context of the area, and the impact on neighbouring occupiers. Neither would it conflict with the National Planning Policy Framework ('Framework') requirement to ensure a high standard of amenity.
8. Although the proposal would exceed the 3 metre depth referenced in the SPD, its height at the boundary would be less than the advised maximum, and the Council does not allege that the 45 degree code vertical plane would be breached. The scheme would not therefore conflict with the thrust of the SPD's advice regarding the protection of neighbouring amenities.
9. Having regard to the Framework's tests, I have imposed the suggested time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans. In the interests of good design, a matching materials condition is also necessary.
10. Given the proposal's siting relative to the plot's side boundaries, and in order to protect adjacent occupiers' living conditions, a condition removing permitted development rights for windows or doors in its flanks is necessary. However, in consideration of the details of the scheme, and the small area of flat roof that would be created, I am not persuaded that a condition is necessary to prevent the roof's use as an outdoor amenity area.
11. Summing up, the scheme would not significantly harm the neighbouring occupiers' living conditions, and it would not conflict with the development plan. The appeal is therefore allowed.

Chris Couper

INSPECTOR