
Appeal Decision

Site visit made on 23 January 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/M5450/D/22/3312233

71 The Avenue, Hatch End, Pinner, Harrow HA5 4EL

- 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 Vijay Bharadia against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1291/22, dated 1 April 2022, was refused by notice dated 8 September 2022.
 - The development proposed is a rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension in accordance with the terms of the application Ref P/1291/22, dated 1 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NWA-22-005-LOC_E Rev A, NWA-22-005-LOC_P Rev A and NWA-22-005-1.
 - 3) The materials to be used in the construction of the external surfaces of the walls of the extension hereby permitted shall match those used in the walls of the existing building.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Main issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of this part of The Avenue; and
 - ii) Living conditions at the neighbouring property 73 The Avenue.

Reasons

Character and appearance

3. No 71 is a 2 storey detached house located near to the end of The Avenue, a tree lined suburban street, in an area characterised by similar houses. The house has previously been extended to the side at 2 storeys and takes up nearly the full width of the plot. The proposal is to build a single storey dining room extension at the back, with a flat roof enclosed by a low parapet wall.
4. This modestly sized extension would largely fit into the L-shaped form at the back of the house so would not extend the building much further to the rear. It would be much lower than the main house and its height would be within the normal range for such an extension, so that it would clearly be a subsidiary element of the overall structure. It would be almost entirely out of public view and would only be seen from a small number of neighbouring properties. Although a proposed roof lantern would sit partly in front of an existing first floor window, there would be a significant gap between these 2 features and no visual harm would be caused.
5. I conclude that the proposal would be well designed to avoid any harm to the character and appearance of this part of The Avenue. It therefore accords with the shared aims of London Plan 2021 (LP) policy D3, Harrow Core Strategy policy CS1(B), Harrow Council Development Management Policies (DMP) policy DM1, the Council's Residential Design Guide Supplementary Planning Document (RDG) and the National Planning Policy Framework (the Framework), to ensure that development responds to the existing character of a place and achieves a high standard of design including in relation to the massing, bulk, scale and height of proposed buildings.

Living conditions

6. In order to restrict the impact of extensions on neighbouring properties, the RDG advises that, subject to site considerations, the height of flat roofed rear extensions should be a maximum of 3 metres on the boundary and the acceptable depth determined (in part) by the impact on neighbours.
7. The parapet wall of the proposed extension would be about 3.2m high, but would be set back from the boundary so that there is no clear conflict with the RDG guideline. The extension would be a comparatively small structure and there would be a significant gap to the neighbouring house, No 73. Although the extension would stretch over 8m to the rear of No 73, it would only appear just over a metre above the existing boundary enclosure. Due to its reasonably low height and set back, it would not be an intrusive or overbearing structure in the outlook from that house. It would not cause any significant loss of general daylight (light from the sky) and would overshadow only a small portion of No 73's large garden. There would be no additional overlooking or loss of privacy given that this single storey structure would sit behind an existing boundary fence.
8. I conclude that the proposal would not significantly affect living conditions at the neighbouring property, No 73. It would therefore also accord with the shared aims of LP policy D3.D(7), DMP policy DM1, the RDG and the

Framework, to ensure that proposals are not detrimental to the privacy and amenity of neighbouring occupiers.

Other issues

9. A statement dealing with the fire safety objectives of LP Policy D12 was submitted with the appeal. The Council has not cited the previous lack of such a statement as a reason for refusal or suggested a relevant condition. It appears to me that this matter has been dealt with satisfactorily.

Conditions

10. I impose a condition specifying the relevant plans to provide certainty and a condition requiring the use of matching materials to protect the character and appearance of the house and the local area. A condition preventing the use of the flat roof as a roof terrace is needed to protect neighbours' privacy. The Council has also suggested a condition removing normal permitted development rights to install side windows, but I see no need for this sort of restriction on this single storey extension.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR