



Appeal Decision

Site visit made on 25 January 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Appeal Ref: APP/M5450/D/22/3304014

239 Cannon Lane, Pinner HA5 1JB

- 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 Udayashankar against the decision of Harrow Council.
 - The application Ref P/0988/21, dated 10 March 2021, was refused by notice dated 4 May 2022.
 - The development proposed is described as a single storey side extension; single and two storey rear extension; front porch; re-location of main entrance to front; external alterations (demolition of rear extension) (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension; single and two storey rear extension; front porch; re-location of main entrance to front; external alterations (demolition of rear extension) (retrospective); in accordance with the terms of the application Ref P/0988/21, dated 10 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be maintained in perpetuity and in accordance with the approved drawings listed below, unless further planning permission is sought from the Local Planning Authority:
 - 'As Existing as Built Plans Sections and Elevations,' Drg No. 239/CAN/050 Rev B, Dated 09/MAR/2021.

Preliminary Matters and Background

2. I have taken the description of the proposed development from the Council's Decision Notice which provides more detail as to the elements requiring planning consent. It is noted that this description is also included on the appellant's appeal form.
3. Upon my site visit, the elements of the application were in situ. I have therefore made my judgement based upon this.
4. The Reason for Refusal as noted on the Council's Decision Notice relates only to the height of the ground floor side extension in terms of its impact upon living conditions, with the officer's report and Planning Committee minutes having no objection to the other elements of the scheme as well as the design of the subject ground floor extension. I have no reason to disagree with the Council with regards to these elements. As such, the focus of this letter will be solely on the height of the ground floor side extension.

5. The appeal site benefits from a Certificate of Lawful Development¹ for a Single Storey Side Extension, a planning consent² for a single and two storey side to rear extension, single storey rear extension, and external alterations; and a Prior Notification³ for a single storey rear extension, 6 metres deep, 3.7 metres maximum height, 2.6 metres high to the eaves. Each of these decisions are material to the consideration of this scheme. Taking these into account, the proportions, footprint and design remain similar, with the main difference relating to the increased height of the side extension which does not appear to have been built in accordance with the approved plans.

Main Issue

6. Taking the above into account, the main issue is the effect of the increased height of the side extension upon the living conditions of present and future occupiers of No.241 Cannon Lane, with particular regard to sense of enclosure.

Reasons

7. The appeal site is located along Cannon Lane, which forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the early-mid twentieth century. The dwellings within this location are functional in design, two storey semi-detached dwellings with hipped rooves of which are arts and crafts inspired. The dwellings are positioned to follow the road and have a consistent setback and positioning in relation to the road edge and surrounding dwellings. Rear gardens are well-sized with gaps present between dwellings, particularly at first floor level where the tops of trees in rear gardens are visible from the street. A number of additions and extensions such as ground floor side extensions, two storey rear extensions and roof dormers and alterations are evident throughout the estate, which have a subservient appearance that does not detract from the original proportions of the dwellings that make up the planned estate.
8. The appeal site as constructed contains a two storey side extension that is set back from the boundary and a ground floor side extension with flat roof with roof lights that is constructed along the boundary with No.241 Cannon Lane which has a parapet height of 3.47 metres. The neighbouring property at No.241 has a two storey side extension with flat roof that is setback from the boundary with the setback of the appeal site containing a driveway to a vehicular garage located along the boundary to the rear of the dwelling. The two storey extension of the neighbouring property contains 3 windows at first floor level, two of which are clear glazed and serve bedrooms and an obscurely glazed window. To the ground floor of the side extension is the main entrance door to No.241 and a small window which appears to access the hallway.
9. In assessing the impact to living conditions from development, Policy DM1 of the Harrow Development Management Policies Local Plan (DMP) seeks to establish development that has regard to the living conditions of surrounding occupiers, such as the visual impact of development, the relationship between spaces and windows and the visual appearance, amongst others. This policy is supported by a Residential Design Guide Supplementary Planning Document

¹ Harrow Planning Ref: P/5302/19

² Harrow Planning Ref: P/4633/17

³ Harrow Planning Ref: P/0158/20/PRIOR

- (SPD) which provides further guidance and advice with regards to designing appropriate extensions and alterations with considerations regarding privacy.
10. The SPD suggests that a number of considerations are taken into account when assessing living conditions, such as the design and character of existing dwellings; distance of existing buildings from boundaries; siting of buildings within the site and those of the neighbouring property, siting of windows, amongst others. With particular regard to outlook and loss of light, the SPG suggests that the main focus of assessment is towards habitable room windows, with loss of light to non-habitable rooms not being sufficient grounds to refuse an application. With particular regard to side extensions along boundaries, the SPG suggests that a height of 3 metres would normally be acceptable, however the overall height would need to take into account the site considerations and the characteristics of the area.
 11. The extension along the boundary with No.241 is tall, however would not be out of character for the area with these types of extensions being common along Cannon Lane and surrounding roads such as Wimborne Road. Whilst I appreciate that the increased height would increase the sense of enclosure for entering and exiting the neighbouring dwelling, this would not be to the level where the proposal would be adversely detrimental. Furthermore, the reduction in outlook and sense of enclosure is not towards a habitable room or 'protected window' as defined by the SPD, and is not a space where the occupant utilises for sitting out with this area being the driveway and main entrance to the neighbouring dwelling. The SPD is clear that the 3 metre height suggested is not a maximum height and that it is dependant upon the surrounding context and other factors as described by the SPD.
 12. I also acknowledge the appellant's comments in their Statement of Case (SoC) that permitted development rights under the General Permitted Development Order 1995 (as Amended) (GPDO) allows extensions along the boundary of 3 metres tall, and that this increase of height of approximately 50 centimetres would be negligible in this context of sense of enclosure and loss of outlook. I can also empathise with the comments from the neighbouring resident that the reduced level of outlook and increased height of the wall has caused them a sense of claustrophobia, however there may be alternative means of decreasing this feeling.
 13. In conclusion of this matter, the approach undertaken is considered to be appropriate and not cause an adverse level of detriment to the existing and future occupiers of No.241. Consequently, the side extension would be an appropriate alteration to the existing dwelling that would not cause detriment to the living conditions of the neighbouring resident. The scheme would therefore be compliant with DMP Policy DM1, which is supported by the SPD.
 14. I note that Policy CS1 of the Core Strategy is mentioned in the Reason for Refusal which is an overarching strategic policy and does not appear to cover the assessment of living conditions. Also Policy D1 of the London Plan is also mentioned which is a strategic overarching policy that does not provide considerations for the assessment of living conditions. As such, both policies are not relevant to the assessment of this matter involving living conditions.

Other Matters

15. I note that comments from the neighbouring resident at No.241 with regards to a loss of light. It is not detailed where the loss of light would occur, however there appears to be adequate separation at ground and first floor levels to ensure that the loss of light is not adversely detrimental. I also note comments regarding a clear glazed window on the appeal site that appears to have been part of a previous application and has not been obscurely glazed as per the approval. Given that this does not relate to this appeal or application, it cannot be considered under this appeal.

Conclusion and Conditions

16. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed in this decision.
17. I refer to the suggested conditions specified by the Council in their committee report, if the appeal was to be allowed and have considered them in accordance with the Planning Practice Guidance (PPG). The Council have suggested an approved plan condition, however list decision notices and plans related to other previously approved applications. It would not be appropriate to list existing decisions, with the only plan needing to be approved relating to the application in question. This condition has been amended in order to approve the one plan and omit the decision notices and plans relating to other applications. A suggested condition No.2 seeks to remove permitted development rights for the installation of windows to the side elevations, however no justification has been provided for this removal of permitted development rights. I note that the provisions of the GPDO seek that any windows to side elevations need to be obscurely glazed and non-opening, and this would be satisfactory. I see no need therefore to remove permitted development rights.

J Somers
INSPECTOR