



Appeal Decision

Site visit made on 25 November 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 14 April 2023

Appeal Ref: APP/M5450/D/22/3306772
39 Curzon Avenue Stanmore HA7 2AL

- 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 Vasile Moscalu against the decision of The London Borough of Harrow.
 - The application Ref: P/2041/21 dated 14 May 2022, was refused by notice dated 2 August 2022.
 - The development proposed is single storey and two storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the appeal form indicates no change to the description of development, what appears on the application form is lengthy and includes text which is not descriptive. The description used by the Council (and also appearing on the Appeal form), is suitably concise and accurate, I have therefore used this without harming the rights of any party.
3. It was apparent at the time of my site visit that works may have already commenced; however as the application form does not state it is a retrospective application this decision refers to the works for which permission is sought, as a proposal.

Main Issue

4. The main issue is the effect of the development on the living conditions of adjoining users, with specific reference to 37 Curzon Avenue.

Reasons

5. The appeal property, 39 Curzon Avenue (No.39) is an extended detached house that is located close to a road intersection within a large suburban area of similar mid-twentieth century housing. The development pattern provides a pair of semi-detached houses angled at 45 degrees upon each corner of road intersections such that although the corner dwellings have relatively spacious frontages, their rear amenity space is tapered and more tightly constrained than the generality of houses in the street. This is the case with No.37 Curzon Avenue (No.37) which is adjacent to No.39 and sits at the junction with Beverley Gardens. I also note that whilst the other dwelling pairs that face this road junction have similar-sized rear amenity spaces their orientations are

- more favourable with respect to sunlight than No.37, which faces north at the rear.
6. No.39 benefits from a deep single-storey rear extension (incomplete at the time of the site visit) and roof alterations which appear to add significantly to the apparent height and bulk of the upper parts of the dwelling.
 7. The appellant's Design and Access Statement suggests that (because) '(No.39) sits on the north side of No.37' the proposal will not reduce access to sunlight for those neighbouring users. No solar path or other information is provided to support this aspect of the appellant's case. However, as submitted drawings show, No.39 lies to the north-east of No.37 such that it would tend to reduce the amount of morning sun falling onto the neighbouring property. The appellant also refers to a drawing (102-39CA) which suggests that because the extension lies outwith a perpendicular line extended from the rear wall in line with the nearer flank wall of No.37, the proposal at No.39 does not restrict its outlook. However, as my reasoning shows, the baseline condition is a greater sensitivity to change as a result of the convergence of the respective properties and the result of what is suggested would be an increased overshadowing and less access to sunlight.
 8. Notwithstanding the limited depth of the proposed upper floor extension, my observations are that by its position and cumulative impact, there would be an unacceptable enclosing effect upon the modest rear amenity space of No.37 due to the angled disposition of the two dwellings. The proposal would increase the bulk and mass of the building on the eastern boundary to No.37, thereby reducing access to sunlight/daylight and creating an overbearing effect.
 9. I note the representations made by the appellant as to the disposition of the proposal, the garage of No.37, and other matters including the relevance of the Supplementary Planning Document: Residential Design Guide (2010) (Design SPD). However no detail is provided in support and the 'bespoke relationship' referred to is, in the circumstances found, an additional constraint which I consider the proposal has failed to adequately address.
 10. For the reasons I have indicated, the proposal would, therefore, conflict with Policy DM1 of the Harrow Development Management Local Plans Policies (2013) and the Design SPD which together seek to protect neighbouring users from unacceptable impacts arising from residential extensions and therefore conflict with the development plan taken as a whole.
 11. On that basis, taking all matters raised into account, I dismiss the appeal.

Andrew Boughton

INSPECTOR