



Appeal Decision

Site visit made on 11 July 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2023

Appeal Ref: APP/M5450/D/22/3303311

4 Connaught Road, Harrow HA3 7LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Rajendram against the decision of the London Borough of Harrow.
 - The application Ref P/1478/22/PRIOR, dated 11 April 2022, was refused by notice dated 1 July 2022.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension at 4 Connaught Road, Harrow HA3 7LD in accordance with the terms of the application Ref P/1478/22/PRIOR dated 11 April 2022, and the details submitted with it including plan number RS/237/CA/22, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, planning permission is granted for the enlargement of a dwellinghouse consisting of a single storey extension beyond the rear wall of the original dwellinghouse by no more than 6 metres, in the case of a dwellinghouse which is not a detached dwellinghouse, subject to various limitations and conditions.
3. Paragraph A.4(7) of Class A stipulates that, where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. An objection was received from the occupier of an adjoining property. The Council therefore considered the impact of the proposed development on the amenity of any adjoining premises, as required and subsequently refused the application on grounds relating to the effects of the proposal on the amenity of the occupiers of 6 Connaught Road (No 6).

Main Issue

4. The main issue is therefore whether prior approval should be granted, having regard to the effects of the proposal on the amenity of the occupiers of No 6, with particular regard to light and outlook.

Reasons

5. The appeal site comprises a 2 storey mid terraced property in a row of 4 dwellings. Like the appeal property, the neighbouring dwellings in the row benefit from single storey rear extensions of a similar height and depth.
6. The Council's Supplementary Planning Document Residential Design Guide adopted 2010 (SPD) sets out that the acceptable depth of an extension will be determined by, among other things, the need for consistency with permitted development, given that any impacts would be likely to be comparable. However, the Council suggest that the depth of the extension immediately along the shared boundary with No 6 would exceed that for a terraced property and therefore the effects are to be considered accordingly.
7. The proposal would feature a flat roof, which would be greater in height than the existing boundary fence between the appeal site and No 6. Whilst the orientation of the properties, with south facing rear gardens, means that the rear elevation of No 6 receives a considerable amount of direct sunlight, the existing fence to the shared boundary would nevertheless give rise to a degree of shadowing particularly later in the day. However, the proposed increase in height above the fence, along a proportion of the boundary, would be unlikely to cause a significant level of additional overshadowing or loss of light and there is no substantive evidence to indicate that this would be harmful.
8. Furthermore, due to the length of the rear gardens, the modest height and depth of the extension above the height of the existing fence would not significantly alter the outlook from the rear elevation of No 6 or its rear patio and garden area. Moreover, the rear garden of No 6 benefits from an outlook in other directions. Consequently, the outlook of the occupiers of No 6 would not be unduly harmed.
9. For the foregoing reasons I conclude that the proposed development would not have a harmful effect on the amenity of the occupiers of No 6, with regards to light or outlook. As such it would accord with Policy D3.D (7) of the London Plan (2021) which requires development proposals to deliver appropriate outlook, privacy and amenity and Policy DM1 of the Development Management Policies Local Plan document (adopted July 2013) which seeks a high standard of design, having regard to the adequacy of light and outlook within buildings. It would also accord with advice in the SPD in so far as it sets out that rear extensions should not cause unreasonable loss of amenity to neighbouring residents.

Other Matters

10. My decision on this appeal does not override any legal requirements relating to the Party Wall Act, which is a private matter to be resolved between the relevant parties.

Conditions

11. Paragraph A.3 of Article 3, Schedule 2, Part 1, Class A of the GPDO sets out conditions that development permitted by Class A are subject to.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

E Worley

INSPECTOR