



Appeal Decision

Site visit made on 8 August 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2023

Appeal Ref: APP/M5450/D/23/3314393

82 Drummond Drive, Stanmore HA7 3PE

- 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), Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Bhavin Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3597/22/PRIOR, dated 13 October 2022, was refused by notice dated 6 January 2023.
 - The development proposed is for a 6m single storey extension.
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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 6m single storey extension at 82 Drummond Drive, Stanmore HA7 3PE in accordance with the terms of the application, Ref P/3597/22/PRIOR made on 13 October 2022 and the details submitted with it including drawings: Site Plan; Existing Floor Plans Rev1; Existing Elevations Rev1; Proposed Floor Plans Rev1; and Proposed Elevations Rev1.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(GPDO) grants planning permission for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1(larger home extension), paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply, or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
5. It is not in dispute that the proposal falls within the other limitations set out in Paragraph A.1. of Class A. However, where any objections are received to a proposal, the prior approval of the Local Planning Authority (LPA) is required as to the impact of the proposed development on the amenity of any adjoining

premises. Paragraph A.4(7) to Part 1 requires the LPA to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. I have considered the appeal on the same basis.

6. One representation was received from a property at the rear of the appeal site, which has an adjoining boundary. However, the Council subsequently refused the application on grounds relating to the effects of the proposal on the amenity of the occupiers at No 80 Drummond Drive.

Main Issue

7. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of No 80 Drummond Drive.

Reasons

8. The appeal site comprises a semi-detached property and its garden. It forms part of a residential street of similar houses and is positioned between No 80 and No 84. To the rear of the property is a long garden, which has a garden boundary with No's 716 and 718 Kenton Lane.
9. The proposed extension would occupy the width of the main part of the house only, extending to a depth of 6m, and with a maximum height of 3.5m. As such this would leave a gap to the joint boundary with No 80. The Officer report advises this gap is 2.31m. Although there is a gap the proposal would breach the 'two-for-one' rule within the Council's Residential Design Guide 2010 Supplementary Planning Document (SPD). The officer report suggests that to avoid harmful effects the distance from the boundary should be increased from 2.31m to 3m.
10. The neighbouring property at No 80 has a single storey side extension rear along the same building line as that of the appeal property. This element projects further than the building line of the main dwelling and has a window close to the boundary fence. This joint boundary consists of various close boarded fencing, which extends close to the eaves height of the existing single storey side extension on the host dwelling, resulting in a relatively high fence in immediate proximity to the window. As such only a small section of the neighbouring window at the higher level was visible above it. The majority of the joint boundary, in proximity to No 80 was then screened by tall and dense vegetation. As such the proposed visibility of the flank wall of the extension would be limited as it would be well screened.
11. Whilst setting the extension a further 70cm away from the joint boundary to meet the SPD guidance would reduce the effects, the breach in relation to the 'two for one' guide would be limited. In addition, its single storey would be constructed under a flat roof of modest height which would reduce the perceived bulk and mass of this feature. Thus, in this instance, I am not persuaded that the overall scale and depth would be unduly oppressive to outlook.
12. The existing high fence on the common boundary will already cause some loss of light and shadowing when viewed from the rear windows and outdoor area of No 80, particularly during the afternoon. Taking into account the height and position of the existing fence, the distance to the boundary and limited and

reducing height of the proposed extension, the degree of additional overshadowing would be minimal.

13. I consider that an adequate outlook would be maintained from the rear window and outdoor area of No 80, and the proposal would not cause material harm to the occupier of No 80's living conditions due to loss of daylight or sunlight. The Council has raised no concerns in respect of privacy, and I see no reason to disagree.
14. No 84 Drummond Drive is the adjoining property and has been extended at the rear on the joint boundary. The Council advises this projects to 3m. Although the appeal extension would be perceptible from these rear windows, the Council does not find that there would be unacceptable impacts upon this property. I see no reason to disagree, as noted above the height of the extension reduces and the orientation of the development would not cause unacceptable effects in terms of sunlight or daylight.
15. The Council officer's report also identifies that the houses at No's 716 and 718 Kenton Lane to the rear of the appeal building as a neighbouring property. The appeal property is separated from these by the length of the rear gardens. One property had an enclosed garden which is bounded with a high close boarded fence, and ground level views are partially screened by this. The other property has an open boundary with the appeal garden. I am not presented with detailed evidence that the amenity of any these properties would be harmfully affected. Nevertheless, due to the distance between these houses and the proposed extension I am satisfied that there would not be any harm arising in respect of privacy, outlook, daylight and sunlight. As such I concur with the Council's findings in this respect.
16. I have taken into account Policy DM1 of the Development Management Policies Local Plan document 2013 insofar as it relates to, and as evidence to support, this matter, and the SPD. Based on the evidence before me and given my conclusions above, the development would not be contrary to that Policy, albeit the principle of development is established through the grant of permission by the GPDO.
17. In light of all of the above, I am satisfied that the depth and overall scale of the extension would not unacceptably harm the living conditions of the occupants of No 80 by reason of being overbearing or oppressive on outlook and loss of daylight and sunlight.

Other Matters

18. Although the appellant is concerned that other applications have been allowed, each application is judged on its own merits. Any Council actions are not a matter before me, but in any event, they are required to assess the proposal on all adjoining premises as I have done.

Conditions

19. The Council have suggested conditions specifying the approved plans and matching materials. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the submitted details with the application and the use of similar materials to the exterior of the existing dwelling house. As they are set out in the legislation it is therefore unnecessary to repeat them in conditions.

Conclusion

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

K Williams

INSPECTOR