
Appeal Decision

Site visit made on 13 October 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30.10.2023

Appeal Ref: APP/M5450/D/23/3320156

8 South Way, Harrow, HA2 6EP

- 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 Gopal Mekala against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1585/22, dated 10 December 2022, was refused by notice dated 16 March 2023.
 - The development proposed is a single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension at 8 South Way, Harrow, HA2 6EP in accordance with the terms of the application Ref P/1585/22, dated 10 December 2022 subject to the conditions set out in the attached Schedule.

Preliminary matters

2. The Council raises no objection to the proposal's appearance. The officer report also assesses and explains the reasons why the proposal would not harmfully affect the living conditions of the residents one of the adjacent properties, 6 South Way. I have no reason to disagree with the Council's assessments in this regard. The Council's concern relates solely to the alleged effect on the living conditions of the other adjacent property.

Main issue

3. Having regard to the above, the main issue is the effect of the proposed extension on the living conditions of the residents of 10 South Way with reference to daylight, sunlight and outlook.

Reasons

4. The appeal property is a semi-detached dwelling of a distinctive suburban appearance. At the rear, alterations and extensions have already taken place, including the insertion of a large box shaped dormer. At ground floor level, an open lean-to is attached to the rear elevation. This is comprised of a timber frame with a Perspex roof and side panels. A timber fence separates Nos 8 & 10. This seems to be of a standard size, but I noted a slight increase in height on the boundary where the lean-to is sited. The extension would be about 6 metres in depth running along the boundary with No 10 and about 3m high to the eaves; its depth reduces on the other side towards No 6.

5. No 10 has been extended itself to the rear on the ground floor, well away from the boundary with the appeal property. Between this extension and the boundary with No 8 is a bay window, which provides light and outlook to the ground floor habitable room it serves. It is the effect of the proposal on this window which concerns the Council.
6. The Council says that the proposal's depth exceeds the 3m cited in the SPD¹ as being acceptable single storey extension depths on most semi-detached properties. The SPD also refers to permitted development allowances, which is a consideration here. To my mind, the extension proposed would have no greater impact on daylight or sunlight entering the window of concern than if it were reduced in depth to the dimensions suggested in the SPD. Nor, it seems to me, has the Council given sufficient weight to extant conditions on the boundary close to the window of concern, which is marked by a high solid fence, which itself significantly impacts on day and sunlight. The extension would make little perceptible difference to the current position in respect of the levels of daylight and sunlight currently enjoyed on No 10's ground floor habitable rooms.
7. The direct outlook towards the garden from the window of concern would remain unimpeded. The extension's side wall would be seen in an oblique view from the room served by the window. However, this view is already affected to a significant extent by a high solid fence. The extension's side wall would be about a metre or so higher than the fence. To my mind, whilst the increased height along the boundary would be noticeable, it would not prove harmful when compared with the existing position.
8. I therefore conclude that the proposal would not harm the living conditions currently enjoyed by the residents of No 10. Accordingly, no conflict arises with those provisions of policy DM1 of the Harrow Development Management Local Plan Policies, requiring that development proposals should not be detrimental to neighbouring amenity.

Conditions

9. The Council's suggested conditions regarding materials and that the development shall be carried out in accordance with the approved plans shall be imposed in the interests of amenity and certainty respectively.

Other matters

10. The references to other development plan policies have been noted, but I consider the most relevant policy to this case, having regard to the main issue, to be the one to which I have referred.
11. I have taken account of all other matters raised in the representations, including the representations made by the neighbours either side of the appeal property, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

¹ Supplementary Planning Document – Residential Design Guide (2010)

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Ref P-02, P-03, P-4, P-05, P-06, P-07 & P-08.