
Appeal Decision

Site visit made on 5 December 2023

by G Powys Jones MSc FRTPI

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

Decision date: 27.12.2023

Appeal Ref: APP/T5150/D/23/3330495

143 Regal Way, Harrow, HA3 0SG

- 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 Samad Ansari against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/2238, dated 1 July 2023, was refused by notice dated 26 September 2023.
 - The development is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 143 Regal Way, Harrow, HA3 0SG in accordance with the terms of the application Ref 23/2238, dated 1 July 2023.

Preliminary matter

2. The development subject of the appeal has already been built and the appellant wishes to retain it. I shall proceed on this basis.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring residents at Nos 141 & 145 Regal Way.

Reasons

4. The appeal property is a semi-detached dwelling in a street displaying distinct suburban characteristics. The flat roofed extension has been built to the rear across the full width of the plot. The Council refer to their SPD¹ and say that the extension does not conform to the guidance therein with particular reference to its depth.
5. The extension, according to the Council's measurements, is approximately 5.3m long, whereas the SPD advocates a maximum depth of 3m on side boundaries. Greater depths may be permitted, but side walls should be progressively offset from the boundary to be acceptable. The Council acknowledges that the extension's height generally is acceptable as it conforms with the SPD's guidance, but an objection is raised to the small parapets seen on either side of extension. The Council has measured these as being about 150mm above the 3m roof height recommended in the SPD.

¹ Supplementary Planning Document Residential Extensions and Alterations SPD2 JAN 2018.

6. The Council's reason for refusal doesn't precisely state how and why the amenities of neighbouring properties would be adversely affected. The officer report, however, provides some clues. As to No 141, which itself displays a rear extension, the Council accepts that its internal environment would not be adversely affected. Its' sole concern is that the *parapet 'would result in some loss of light to this neighbour(sic) rear garden'*. No further information or opinion is provided as to the level of harm which may occur. Judging from the officer report, it appears that the Council would be prepared to accept a 3m height on this boundary². To my mind, the additional height of the parapet in comparison with what the Council deems acceptable, is so small as to make little or no difference to the level of 'light' entering No 141's garden.
7. On the other side of the appeal site, No 145 has not been extended, and I saw that it had openings in its rear elevation, including a ground floor bay window fairly close to the side wall of the appellant's extension. Judging from the officer report, the Council's concern appears to relate to loss of light affecting the room³ served by this window. No empirical evidence has been submitted by the Council to support its contention that the room served by the bay window would be unacceptably affected by the extension. Accordingly, a subjective assessment is called for.
8. I am satisfied that the extension has probably reduced the previous levels of daylight and sunlight entering No 145's bay window, but the Council has not convincingly demonstrated that the reduction in levels has proved harmful. Moreover, a similar reduction in light levels would probably have been experienced had the extension been built in accordance with the SPD guidance, that is, to a depth of 3m. There is no convincing evidence before me that the additional 2.3m in depth has, in itself, been the cause of an unacceptable increased loss of daylight or sunlight to No 145's residents.
9. Accordingly, I conclude that the development in comparison with that which would be deemed acceptable under the terms of the Council's SPD would not harm neighbouring living conditions. Accordingly, no conflict arises with those provisions of Brent's Development Management Policies Document policy DMP1 requiring the design of new development to provide high levels of internal and external amenity.

Other matters

10. All other matters raised in the representations have been taken into account. I note that none of the neighbours either side of the appeal site objected, but this is not decisive in my considerations.
11. I have taken note of the appellant's references to other appeal decisions, but these carry very little weight since I do not have the full details of those cases, and in my experience every site is different.
12. The Council's suggested conditions are unnecessary since the extension has already been built. I do not find that any other conditions are necessary.

² The officer report says it ...'*should be lowered to 3m*'.

³ The officer report says: '*..a window which is understood to serve a habitable room and no information has been submitted to demonstrate otherwise*' And '*..no information has been submitted to indicate that the room this window serve(sic) has access to an additional source of daylight.*'

13. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR