



Appeal Decision

Site visit made on 16 January 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01.02.2024

Appeal Ref: APP/M5450/D/23/3331329

27 Crown Street, Harrow HA2 0HX

- 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 Paul Agnew against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1579/23, dated 29 May 2023, was refused by notice dated 24 July 2023.
 - The development proposed is the replacement of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of a single storey rear extension at 27 Crown Street, Harrow HA2 0HX in accordance with the terms of the application, Ref P/1579/23, dated 29 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 422/19; 422/20 and 422/21.
 - 3) 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification, no windows or doors shall be constructed on the west elevation.
 - 5) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matter

2. The amendments of the National Planning Policy Framework (the Framework) were published in December 2023. These amendments do not alter the basis upon which this appeal has been assessed.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 29 Crown Street.

Reasons

4. The appeal property is a 2-storey terraced dwelling with a single storey rear addition. This addition occupies the lower part of the rear garden with the main landscaped part of the amenity space extending up a slope. The dwellings either side of the property share the same garden configuration albeit there is not an addition to the rear of 29 Crown Street. There is a patio window and a smaller opening within the rear elevation of this neighbouring dwelling.
5. A wooden fence with a trellis delineates part of the boundary between the lower gardens of the property and No. 29. The remainder of the boundary is part of the existing addition's side elevation with the rest of its wall set back from the boundary to the rear of the fence.
6. The outlook from the rear openings of No. 29 towards the main part of the garden already includes the fence and the side elevation of the property's rear addition. The fence is taller than the typical boundary treatment between residential properties within an urban area which could be erected as permitted development. However, it exists and has therefore been taken into account in the assessment of the appeal scheme, particularly where no objections have been raised by the occupiers of No. 29.
7. The proposed development includes the demolition of the property's existing rear addition and the erection of a single storey extension which would have its flank wall sited adjacent to the shared boundary with No. 29. This flank wall would be no higher than the existing addition's side elevation and, as such, it would not be substantially taller than the existing fence with its trellis above. There would be no material change to the sense of enclosure experienced by the occupiers of No. 29 and their predominant outlook would remain towards the main part of the rear garden and other neighbouring private amenity spaces.
8. There would be a change to the visual amenity experienced within the lower garden area of No. 29 because of the siting of the proposed extension being closer, in part, to the shared boundary. However, when taking into account the existing side extension and the fence, the siting and height of the proposed flank wall would not result in the appeal scheme being such an unduly prominent or bulky form of development that it would be of such detriment to the occupiers of No. 29 to justify this appeal failing.
9. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 29 Crown Street and, as such, it would not conflict with Policy DM1 of the Harrow Development Management Policies Local Plan which refers to development providing satisfactory privacy and amenity for neighbouring occupiers. Policy L3 of the London Plan does not specifically address the living conditions of the occupiers of neighbouring properties. Reference is made to the Council's *Supplementary Planning Document: Residential Design Guide* but this cannot provide guidance for all potential scenarios for rear extensions, such as the circumstances of this appeal scheme

Other Matters.

10. The site is located within the Harrow in the Hill Village Conservation Area where there is a statutory duty to preserve or enhance the character or appearance of the area. The Council has not objected to the appeal scheme based upon it failing to accord with this statutory duty or to cause less than substantial harm to the significance of this designated heritage asset. There are no reasons to disagree with the Council's assessment.

Conditions

11. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the erection of the proposed extension in accordance with the approved drawings. To assist with the assimilation of the appeal scheme into the surrounding area a condition for the external materials to match those of the property is necessary.
12. Exceptionally, to protect the living conditions of the occupiers of neighbouring properties, it is necessary to attach the suggested conditions to preclude additional openings in the flank wall of the proposed extension and for its roof area not to be used as an amenity area.
13. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR