

Appeal Decision

Site visit made on 6 February 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH February 2024

Appeal Ref: APP/M5450/D/23/3334837
112 Canterbury Road, Harrow, HA1 4PB

- 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 Harish Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1638/23, dated 6 June 2023, was refused by notice dated 21 September 2023.
 - The development proposed is a retrospective application for retention of raised patio and steps.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development the subject of this appeal is partly complete and is referred to below as "the development."
3. The Council is satisfied that no harm arises from the development in respect of character and appearance or the living conditions of the occupiers of Number 114 Canterbury Road.

Main Issue

4. The main issue in this case is the effect of the development on the living conditions of the occupiers of Number 110 Canterbury Road, with regards to privacy.

Reasons

5. The appeal property is a two storey semi-detached dwelling located in a residential area characterised by the presence of similar two storey semi-detached dwellings.
 6. Houses in the area are set back from the road behind short parking areas and have long gardens to the rear.
 7. During my site visit, I observed that whilst there is mutual overlooking of rear gardens, this tends to be from rear windows, including from dormers. Outside, overlooking between gardens themselves appeared to me to be limited by the presence of fences and garden features. I also noted that whilst there are
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plentiful outside sitting or entertaining areas in outside areas, these tend to comprise modest terraces or patios.

8. The development the subject of this appeal comprises a raised terrace which extends across the full width of the rear garden. Together, its width and projection combine to create a very large raised terrace.
9. The topography of the area is such that, in order to avoid significant stepping down from the ground floor of the dwelling, the terrace sits considerably higher than the remaining garden area. This combines with its scale to present a visually prominent terrace.
10. During my site visit, I observed that the overall height and scale of the terrace provides significant opportunities for direct overlooking, most notably over the rear garden of Number 110 Canterbury Road. In this respect, there is scope for direct overlooking into No 110's rear garden from various parts of the large terrace. I find that this results in significant harm to the privacy of the occupiers of No 110.
11. Whilst the appellant, in support of the appeal, suggests that fencing might mitigate harm to privacy, I note that the combined height, width and projection of the terrace is such that very tall fencing would be required in order to protect the reasonable privacy of the occupiers of No 110. I find that any such fencing, due to its need to be very tall, would inevitably loom above the rear of No 110 and that this would result in an undue sense of enclosure.
12. Taking all of the above into account, I find that the development harms the living conditions of the occupiers of Number 110 Canterbury Road, with regards to privacy, contrary to the National Planning Policy Framework; to London Plan Policy D3; and to DMP¹ Policy DM1, which together amongst other things, seek to protect residential amenity.

Other Matters

13. I am mindful that the terrace provides for the beneficial use of the appeal property's garden and provides for easy access, including for people where mobility may otherwise limit the ability to enjoy outside space. However, as noted above, the combined width, height and projection of the development the subject of this appeal is such that it results in harm to privacy and hence the decision below.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

¹ Reference: Harrow Development Management Policies (2013).