



Appeal Decision

Site visit made on 29 August 2023 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/N1540/D/23/3315266

23 Sharpecroft, Harlow, Essex CM19 4AA

- 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 and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mohammad Saleem Kodabuckus against the decision of Harlow District Council.
 - The application Ref HW/PALHE/22/00454, dated 4 October 2022, was refused by notice dated 11 November 2022.
 - The development proposed is a single storey ground floor rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. Under the abovementioned legislative provisions, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. One such condition concerns where any owner or occupier of any adjoining premises objects, prior approval is required as to the impact of a scheme on the amenity of any adjoining premises, and that any representations made must be taken into account. Accordingly, the main issue is whether prior approval should be granted having regard to the effect of the proposed development on the amenity (living conditions) of adjoining premises.

Reasons for the Recommendation

4. The appeal site consists of a two-storey mid terraced dwelling. The proposed rear extension would replace an existing smaller one and would project 5m along the boundary with the adjoining neighbours. Although it would have a flat roof which would minimise its height, it would have an expanse of blank wall which would face the gardens of the adjoining properties and would be an obtrusive feature. Due to its proximity and its greater depth compared to the existing extension, it would cause a significant overbearing impact and
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increased sense of enclosure to the users of the rear gardens of the adjoining properties as well as their rear ground-floor windows.

5. Owing to the orientation of the proposed extension to the south of No 22, the extension would cause a small amount of overshadowing and loss of sunlight to the rear garden and windows. However, this would occur for a short period when the sun is setting and at its lowest point in the sky. The modest height of the extension would prevent any significant overshadowing or loss of sunlight.
6. However, and for the reasons above, the proposal would cause harm to the living conditions of the occupiers of the adjoining properties as a result of its overbearing impact and increased sense of enclosure. Therefore, prior approval should not be granted having regard to the effect of the proposed development on the amenity of adjoining premises.
7. The Council did not make any reference to a development plan policy. However, Policy PL2 of the Harlow Local Development Plan states, amongst other things, that development which preserves or enhances the level of amenity of existing and future neighbours will be supported, and that factors including loss of light, outlook and whether a proposal would cause an overbearing impact would be considered. For the reasons above the proposal would conflict with this policy insofar as it is material to the main issue.

Conclusion

8. The proposal would not satisfy the criteria for prior approval to be granted. I therefore recommend the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR