



Appeal Decision

Site visit made on 7 February 2024

by J N Seymour BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2024.

Appeal Ref: APP/M5450/D/23/3334945

43 Parkside Way, Harrow, HA2 6DE

- 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 Taz against the decision of the Council of the London Borough of Harrow.
 - The application Ref: PL/0042/23, dated 5 October 2023, was refused by notice dated 30 November 2023.
 - The development is described as: 'Double storey extension and single storey rear extension'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is the effect of the development on the living conditions of neighbouring residents.

Reasons

3. The development was refused on the grounds that the proposed extensions would cause harmful visual intrusion and overbearing impacts when viewed from the rear of the neighbouring property at 45 Parkside Way. I acknowledge the appellant's point that the reason for refusal does not specifically mention the two-storey extension, however I must consider the development that is before me in its entirety.
4. Policy DM1 of the Harrow Council Development Management Policies (2013) ('DMP') states proposals that would be detrimental to the privacy and amenity of neighbouring occupiers will be resisted. Policy DM1 advocates the use of the 45-degree test where relevant to assess, among other things, whether light restriction, overbearance or a negative visual impact would result from the development.
5. The proposed site plan shows a 45-degree line drawn from the corner of what is labelled a single storey garage to where it intersects with the proposed extensions. The line drawn shows an intersection with the single storey extension, but not the two-storey elements of the proposal, implying compliance with the 45-degree tests.
6. However, as mentioned in the appellant's statement of case, the rear of the single storey garage at 45 Parkside Way has been converted into a kitchen. Observations on my site visit confirmed that the only source of light for the

kitchen is provided by a fenestrated door and a window on the rear elevation. The 45-degree test is clear in that a 45-degree line, both vertically and horizontally, should be taken from the centre point of the window, whereas the proposed site plan shows the line drawn from the furthest point away from the proposed extensions.

7. When taken from the centre point of the kitchen windows of 45 Parkside Way, the two-storey rear extension fails the 45-degree test both vertically and horizontally, therefore failing the light restriction test overall. I acknowledge that this test is not conclusive in terms of establishing that light restriction or overbearance would occur to unacceptable levels as this is a rule of thumb and each case must be assessed on a fact and degree basis.
8. The appeal proposal also includes a single storey extension that would extend to the side and rear of the host property abutting the common boundary shared with 45 Parkside Way. Although only a single storey structure, it would protrude above the boundary fence by 0.95m according to the appellant's statement of case, extending 4m beyond the existing rear elevation. This would result in an extension that is a full metre further than what the Supplementary Planning Document: Residential Design Guide (2010) ('SPD') recommends for single storey rear extensions to semi-detached dwellings. I consider the height and length of the single storey element of the extension would create an oppressive outlook and a feeling of being hemmed in when experienced from the kitchen of 45 Parkside Way.
9. I consider that the extensions in terms of their length, height and proximity to the boundary with the neighbouring property would have a harmful overbearing impact and cause light restriction into the rear kitchen windows as a primary habitable room of 45 Parkside Way. Consequently, the appeal proposal conflicts with Policy DM1 of the DMP, the SPD, Policy D3.D(7) of the London Plan (2021) and paragraph 135 of the National Planning Policy Framework which together require development to deliver high standards of amenity, which the appeal proposal fails to achieve.

Conclusion

10. For the reasons given above, I conclude the appeal proposal conflicts with the development plan and the Framework, therefore the appeal is dismissed.

J N Seymour

INSPECTOR