



Appeal Decision

Site visit made on 21 June 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3RD July 2024

Appeal Ref: APP/M5450/W/23/3332677

Flat 2, 24 Vaughan Road, West Harrow, Harrow HA1 4EE

- 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 Pradeep Gupta (PR Investments Limited) against the decision of Harrow Council.
 - The application Ref is P/0979/22.
 - The development proposed is alterations and extensions to the flat.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to Flat 2, 24 Vaughan Road, West Harrow, Harrow HA1 4EE in accordance with the terms of the application, Ref P/0979/22, 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, and drawing nos 1497-P1, 1497-P2, 1497-P3, 1497-P4 and 1497-P5.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.

Procedural Matter

2. In an informative to its decision, the Council states that, whilst the building may have been divided into five flats, its records indicate that planning permission has been granted for its use as two flats, and that it is investigating this matter further. Be that as it may, I have dealt with the scheme before me, which is for alterations and an extension to the building, on its planning merits.

Main Issue

3. The main issue is the effect of the proposal on the living conditions at 22 Vaughan Road ('No 22') and 26 Vaughan Road ('No 26'), with particular regard to outlook, overshadowing and loss of light.

Reasons

4. The host has a two storey rear projection, whose rear face aligns with the similar projection at No 22. The scheme would involve an extension which

- would project a further 3.36 metres to the rear, measured along the boundary with that property.
5. However, its impact on the outlook from No 22 would be limited by its modest single storey form, and its flat roof which would not be substantially taller than the existing side boundary fence. Thus, whilst the extension would be visible to one side from No 22's large patio doors, it would not have a significant overbearing impact, and the principal outlook from that room down that property's own garden would be largely uninterrupted. Additionally, given that a 45 degree line drawn from the top corner of the proposed extension would not breach the centre point of those patio doors, it would not result in a significant loss of light within that living space.
 6. Although No 26 projects less far to the rear compared to No 24, there is an alleyway between them, and the proposed extension would be set in just over 1 metre from the boundary. Whilst No 26 has a rear-facing kitchen window and glazed door fairly close to the side boundary, only the uppermost part of the proposed extension would be visible above the existing fence. Moreover, the proposed extension would step in away from the boundary around that point, which would limit any sense of enclosure, and ensure adequate natural light, within that room.
 7. The principal ground floor rear outlook from No 26 is from its dining room patio doors, which are set well away from this boundary, and would not be significantly impacted by this scheme. Finally, as the rear elevation of the buildings on this part of Vaughan Road face north, having regard to the sun's trajectory, the scheme would not have a significant overshadowing effect on neighbouring properties.
 8. Neither the Council's decision notice, nor its incomplete delegated application report, direct me to any particular part of the Harrow Residential Design Guide Supplementary Planning Document 2010 ('SPD'); and the SPD's 45 degree code appears to apply primarily to two storey extensions. However, as the scheme would not cause a significant loss of light or outlook to adjacent occupiers, it would not conflict with the overall thrust of the SPD.
 9. For similar reasons, it would not conflict with those parts of Policy D3 of the London Plan 2021 and Policy DM1 of the Harrow Development Management Policies 2013 which require proposals to deliver appropriate outlook, privacy and amenity, having regard to matters such as the relationship between buildings and site boundaries, the visual impact from within buildings, and adequacy of light; or with the National Planning Policy Framework ('Framework') requirement to create places with a high standard of amenity.
 10. Turning to the matter of conditions, and having regard to the Framework's tests, the standard time limit is necessary, as is, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans. Finally, in the interests of good design, I have applied a matching materials condition. Summing up, I have found that the scheme would not harmfully impact the living conditions at 22 and 26 Vaughan Road. Having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR