

Appeal Decision

Site visit made on 5 August 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/M5450/D/24/3338219

70 Coledale Drive, Stanmore, Harrow HA7 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO').
 - The appeal is made by Sana Siddiq against the decision of the Council of the London Borough of Harrow.
 - The application Ref PL/0860/23 dated 18 December 2023, was refused by notice dated 30 January 2024.
 - The development proposed is single-storey rear extension: 6.00 metres deep, 3.40 metres maximum height and 3.00 metres high to the eaves.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted planning under the provision of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single-storey rear extension: 6.00 metres deep, 3.40 metres maximum height and 3.00 metres high to the eaves at 70 Coledale Drive, Stanmore, Harrow HA7 2QF in accordance with the terms of the application, Ref PL/0860/23 dated 18 December 2023, including drawings PR23-105f and PR24-002c, pursuant to Article 3(1) and Schedule 2, Part 1, Class A.

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 1, Class A of the GPDO grants planning permission for the enlargement of a dwellinghouse subject to limitations, restrictions and conditions. One limitation, at Paragraph A.4(7), states that where any owner or occupier of any adjoining premises objects to the proposed development, the local planning authority is required to assess the impact of the proposal upon the amenity of any adjoining premises.
3. On its decision notice, the Council referred only to the effect of the proposal upon the living conditions of occupiers of number 68 Coledale Drive ('No 68'). The provided officer report indicates that it considered the effect upon the living conditions of occupiers of number 72 Coledale Drive ('No 72') to also be unacceptable. As Paragraph A.4(7) of the GPDO is clear in requiring

the assessment of the effect of the proposal upon the amenity of any adjoining premises, I have framed the main issue on this basis.

Main Issue

4. The main issue is the effect of the proposal upon the living conditions of occupiers of neighbouring properties, with particular regard to outlook and light.

Reasons

5. The provisions of Schedule 2, Part 1, Class A of the GPDO do not require consideration of the development plan. The Council has indicated that the proposal would conflict with advice contained within the Harrow Residential Design Guide Supplementary Planning Document ('the HRDG').
6. In relation to rear extensions, the HRDG reiterates some permitted development criteria for extensions to a dwelling, as well as stating that where planning permission is required, that acceptable depth of extension will be determined by a number of factors. It also states that greater depth may be acceptable in special circumstances and sets out the "45-degree code", the use of which is set out in Policy DM1 of the Harrow Council Development Management Policies (July 2013) ('HCDMP').
7. The HRDG makes no reference to permitted development rights for larger extensions and sets no clear limit to the projection of rear extensions. However, insofar as they are relevant to matters of amenity and to support my assessment, I have taken account of both HCDMP Policy DM1 and the HRDG.
8. The appeal property is a semi-detached dwelling with a rear garden. The attached property to the south, No 72, hosts a single and two storey rear projection of its own. The proposal would result in a single storey extension being added to the rear of the appeal property which would measure 6 metres ('m') in projection and would measure 3m to eaves.
9. It is not disputed that the projection at No 72 extends to 3m beyond the existing rear elevation of the appeal property. As a result, the appeal proposal would in turn project 3m beyond the rear of the projection at No 72. This would mean that the proposal would be visible for occupiers of No 72 and it would be close to the shared boundary.
10. However, given the modest level of projection beyond the rear elevation of No 72, and the relatively open prospect of the rear garden of this neighbouring property, the proposal would not appear as overbearing or lead to unacceptable loss of outlook. Given these factors, and as No 72 is also located to the south-west of the appeal property, the proposal would also not lead to unacceptable loss of light for occupiers of No 72.
11. The proposal would be set away from the shared boundary with No 68 which is garage linked to the appeal property. Windows serving rooms at No 68 are also set away from the boundary. Furthermore, No 68 is set at a slightly higher level to the appeal property and also has outlook across its own rear garden. The combination of these factors means that although the full projection of the appeal proposal would be visible from No 68, it would not

result in an unacceptable loss of outlook. The provided plans also indicate that the proposal would accord with the "45-degree code" set out in the HRDG.

12. The orientation of the appeal property and No 68 means that the proposal would have some effect on the levels of light available to occupiers of this property, however the factors that I have outlined above in addition to the modest eaves height of the proposal, means that the resultant effect would not be significant.
13. The Council raised no concerns in relation to the effect of the proposal on the occupiers of any other properties than Nos 68 and 72. Given the level of separation between the proposal and other adjoining premises to the rear of the appeal property, I also find that it would not harm the living conditions of occupiers of them.
14. For the reasons given above, the proposal would not cause harm to the living conditions of occupiers of adjoining properties with particular regard to outlook and light. It would, insofar as is relevant to the matters set out at Schedule 2, Part 1, Class A of the GPDO, be in accordance with HCDMP Policy DM1 which states that developments must achieve a high standard of amenity.

Other Matters

15. I note the concerns of a third party in relation to the size of the proposal of relative to the original property and the amount of garden space that it would occupy. However, as set out above, the scope of matters that I am able to consider as part of the prior approval process is limited to its effect on the living conditions of occupiers of neighbouring properties. I am also satisfied, on the basis of the evidence before me, that the proposal would occupy less than half of the total curtilage and would therefore remain within the scope of Schedule 2, Part 1, Class A of the GPDO.

Conditions

16. Planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the condition set out at paragraph A.4 (11b), that the development is carried out in accordance with the information provided. Paragraph A.3(a) of the GPDO requires that materials used in any exterior work should be of a similar appearance to those used in construction of the exterior of the existing dwelling. As these conditions are set out in the GPDO, it is not necessary for me to attach them separately.

Conclusion

17. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should be allowed, and prior approval granted.

C Harding
INSPECTOR