



Appeal Decision

Site visit made on 24 February 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/M5450/D/24/3351441

43 Bromefield, Stanmore, Harrow HA7 1AG

- 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 appeal is made by Mr & Mrs Amrisha & Kunal Varsani against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/1762/24.
 - The development proposed is single storey rear extension: 5.00 metres deep, 3.50 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 granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension: 5.00 metres deep, 3.50 metres maximum height and 3.00 metres high to the eaves, at 43 Bromefield, Stanmore HA7 1AG in accordance with the application ref. PL/1762/24, made on 28 June 2024, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) of the GPDO.

Applications for costs

2. An application for costs was made by Mr & Mrs Amrisha & Kunal Varsani against the Council of the London Borough of Harrow. This application is the subject of a separate Decision.

Preliminary Matter

3. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g), Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of any adjoining premises, considering any representations received.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of 45 Bromefield (No 45), with particular regard to light, outlook and privacy.

Reasons

6. The appeal site comprises a two storey, semi-detached dwelling with a south-east facing rear garden. A large, detached garage had been previously sited in the garden of the appeal property in close proximity to the rear of the property.
7. The proposed development would span the width of the rear elevation and extend 5 metres in length beyond the original rear wall of the property, with a mono pitched roof that has a maximum height of 3.5 metres.
8. No 45 is located southwest of the appeal site. It does not have any extensions on the rear elevation. A kitchen window is located on the flank elevation, directly facing the flank elevation of No 43. Despite the Council asserting that the proposed extension would be sited immediately adjacent to the common boundary with No 45, it would in fact be set away from the boundary by approximately 1.4 metres, with the side elevation of No 45 set away by a similar distance.
9. Given this separation distance, the single storey nature of the proposal and that No 45 is sited southwest of the appeal site I am not persuaded that the occupiers of No 45 would experience any overshadowing or material loss of daylight.
10. The principle outlook from the kitchen window of No 45 is towards the flank elevation of No 43, this would not change as result of the proposal. The principle outlook from the rear ground floor windows of No 45 are out over the rear garden. This would remain the case even with the proposed development.
11. Given the proposals set back from the boundary, its modest height and single storey nature, I am not persuaded that any impact on outlook from the side or rear windows of No 45 would be severe and thus unacceptable, even considering that the proposal would result in a technical breach of the 45 degree rule.
12. In coming to the above view, I am mindful that the appellant could construct a 3 metre rear extension under permitted development and which is supported by the Harrow Supplementary Planning Document Residential Design Guide (2010) (SPD). A 3 metre extension would in any case breach a 45 degree line taken from the kitchen window of No 43. I do not concur with the Council, that the additional 2 metres above what could be constructed under permitted development would have a significantly more harmful impact on the living conditions of the occupiers of No 45 than the present situation because of the modest height of the proposal and its proposed distance from the shared boundary.
13. The single storey rear extension would have patio doors facing the rear garden with no side windows proposed. Consequently, the proposal would not lead to any overlooking of properties either side of the appeal site.
14. For the above reasons, the proposal would be acceptable in terms of its effect on the living conditions of neighbouring occupiers with particular regard to light, outlook and privacy. Insofar as they are material considerations relevant to the main issue of the case, the proposed development would consequently accord with

the aims of Policy DM1 of the Development Management Policies Local Plan Document (2013). Amongst other matters, this requires new development to achieve a high standard of privacy and amenity.

Other Matters

15. The Council has assessed the proposal against the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraphs A.1 and A.2 of the GPDO and found it to comply. With the exception of No 45, the Council raise no concerns regarding the effect of the proposal on the living conditions of any other adjoining premises. I see no reason to take a different view on either of these matters.
16. As has already been set out, Schedule 2, Part 1, Class A Paragraph A.4(7) of the GPDO limits the assessment of the proposal to its impact on the amenity of any adjoining premises. As such, concerns around the distance of the proposal to water inspection chambers is not a matter for my consideration in this appeal. Any damage to property or obstruction of the shared access-way during construction would be a private matter between the relevant parties and not within my jurisdiction.
17. Any noise or disturbance from construction noise and/or traffic would be for a temporary period and would not amount to unacceptable effects on living conditions.
18. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. Thus, it does not alter my conclusions on the main issue.

Conditions

19. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the local planning authority. No further conditions are necessary.

Conclusion

20. For the reasons given above, the appeal should be allowed and prior approval is granted.

T Bennett

INSPECTOR