
Appeal Decision

Site visit made on 8 November 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd December 2016

Appeal Ref: APP/M5450/W/16/3155842

17 The Retreat, Harrow HA2 7JH

- 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 Mark Perrin against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1706/16, dated 8 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the character and appearance of the area; and, the effect of the proposal on the living conditions of the occupiers of 16 The Retreat with particular regard to outlook.

Reasons

Character and Appearance

3. The Retreat is characterised by 'Dutch barn' style dwellings which are 1.5 storeys in height with mansard style roofs and gable ends to each side. The properties have a particularly vertical emphasis in their proportions, with narrow front elevations. The well-balanced design of the properties is reflected throughout the street scene.
 4. The dwellings are also relatively evenly spaced. Although the pattern is not regimented, the space between the dwellings at first floor gives the street scene an open and spacious character. This character is reflected at the appeal property with a good level of space between the dwellings either side.
 5. It is proposed to demolish the existing property which has a width of around 6.5m. In its place, a new dwelling would be erected with a width of over 8m. The proposal seeks to retain a horizontal emphasis with the use of a front projecting gable and mansard roof to reflect the existing design.
 6. However, the new dwelling would also include a large, first floor element that would extend to the side. Moreover, it would tie in with the main ridge height of the dwelling at a height of around 6.9m. This would create property of considerable height and width and one with a distinct horizontal emphasis.
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7. Policy CS1.B of the Harrow Core Strategy 2012 (CS) states that all development shall respond positively to the local context in terms of design, siting, density and spacing and should reinforce the positive attributes of local distinctiveness. Paragraph 4.16 of the Harrow Residential Design Guide Supplementary Planning Document 2010 (SPD) states that new development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character. In this instance, the proposed dwelling would appear imbalanced in its proportions, particularly in respect of the proposed roof. This would be in stark contrast to the surrounding properties and would result in a prominent and discordant feature within the street scene.
8. Furthermore, the dwelling would significantly reduce the existing level of space to the adjacent property, 16 The Retreat. Paragraph 4.4 of the SPD states that the pattern of development is characterised by features including the spaces around buildings which, when repeated over an area, form part of that area's character and identity. In this instance, the erosion of the space between the two properties would undermine the prevailing pattern of the street scene. The proposed basement floor would also include light wells and balustrade to the front elevation. Such features would be widely visible within the area and would not reflect the simpler fenestration and appearance of the dwellings on The Retreat. As a result, the dwelling would appear as a somewhat cramped and incongruous presence of built form, in conflict with the Council's SPD.
9. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area, in conflict with Policy CS1 of the CS. The proposal would also conflict with Policies 7.4 and 7.6 of the London Plan¹ which state that buildings should be of the highest design and architectural quality. Finally, it would conflict with Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (DMPLP) which states that all development must achieve a high standard of design.

Living Conditions

10. The appeal site lies adjacent to 16 The Retreat. No 16 has a first floor bedroom window within the side elevation facing the appeal property. There is an entrance to the front and a side extension at ground floor level which has a bedroom window to the front elevation. This extension is set back from the front of the property.
11. I note that the scheme would pull the rear side flank elevation away from No 16 to some extent and that the proposal would not result in any significant mutual overlooking between the two properties. I also note that the ground floor arrangement would not necessarily result in a significant change from the existing relationship between the two properties.
12. Nevertheless, the proposed dwelling would have a large gable roof at first floor level which would extend for a significant proportion of the depth of the house. This would have a mansard style roof with dormer windows and would have a ridge height matching that of the main house. The proposed first floor would extend much closer to the neighbouring dwelling than the existing property and would result in a significant expanse of largely unrelieved built form in close proximity to the first floor bedroom window of No 16. Moreover, the proposed

¹ The London Plan: The Spatial Development Strategy for London Consolidated with Alterations Since 2011, 2016

dwelling would be sited forward of the ground floor window in the side extension of No 17 and the front entrance to the property. As a result, it would result in a significant sense of enclosure for residents of the adjacent property.

13. Paragraph 6.32 of the SPD states that the height of any new extension adjoining a protected window should not interrupt an upward plane angled at 45° from the lower edge of the glazed area of that window, measured across the whole width of the opening. It goes on to state that extensions up to both sides of the plane will be unacceptable. Whilst I recognise that the guidance relates to extensions, and not strictly to new dwellings, there is no compelling evidence before me to suggest that such guidance would not be appropriate in cases such as this in order to protect the living conditions of adjacent residents. Whilst I note the appellant has indicated a condition could be imposed to ensure a 45° angle from adjacent window sill level is adhered to, I have no evidence to suggest that such an arrangement could be achieved. The proposal would, therefore, conflict with the guidance in the Council's SPD.
14. The appellant argues that a porch up to 3m² could be added to the existing dwelling under permitted development rights and that this would be more harmful than the appeal proposal. However, it seems to me that such works under permitted development rights would not achieve a similar development to that proposed here. Moreover, the appellant indicates that a new dwelling would be a more sustainable and viable approach than extending the existing property. I am not, therefore, satisfied that a realistic fallback position exists to an extent that would justify the harm arising from the proposal.
15. I also note that similar arrangements to that proposed exist between No 12 and No 13. However, the presence of such arrangements elsewhere would not in themselves be sufficient to justify the harm arising from the appeal proposal.
16. I conclude, therefore, that the proposal would have a harmful effect on the living conditions of the occupiers of 16 The Retreat with particular regard to outlook. The proposal would, as a result, conflict with the high quality design aims of Policies 7.6 of the London Plan and DM1 of the DMPLP.

Other Matters

17. I note that the proposed development would provide an energy efficient dwelling. This would not, however, outweigh the harm in respect of the character and appearance of the area and the living conditions of the occupiers of 16 The Retreat. I also note the lack of harm in respect of highway safety, crime and drainage. However, the lack of harm in those respects does not outweigh that which I have identified above.

Conclusion

18. For the reasons given above, and having considered all other matters, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR