
Appeal Decisions

Site visit made on 25 October 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 12th December 2016

Appeal A Ref: APP/M5450/W/16/3153847
Brent House, 214 Kenton Road, Harrow HA3 8BT

- 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 Homeguard Properties Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/5244/15, dated 9 November 2015, was refused by notice dated 28 January 2016.
 - The development proposed is the alteration of an existing residential block to provide two 1-bed flats, one 2-bed flat and one 3-bed flat between existing rooftop buildings, to enclose existing roof-top plant, remove redundant equipment, renew parapets & balustrades and provide a brise soleil to terraces below.
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Appeal B Ref: APP/M5450/W/16/3153834
Brent House, 214 Kenton Road, Harrow HA3 8BT

- 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 Homeguard Properties Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/0847/16, dated 23 February 2016, was refused by notice dated 18 April 2016.
 - The development proposed is the construction of an additional floor to provide four flats; enclosure of roof-top plant; removal of redundant rooftop equipment; replacement of parapets and balustrades; provision of a brise soleil to lower terraces; additional parking and cycle storage; and external alterations.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the construction of an additional floor to provide four flats; enclosure of roof-top plant; removal of redundant rooftop equipment; replacement of parapets and balustrades; provision of a brise soleil to lower terraces; additional parking and cycle storage; and external alterations at Brent House, 214 Kenton Road, Harrow HA3 8BT in accordance with the terms of the application, Ref: P/0847/16, dated 23 February 2016, subject to the conditions in the attached schedule.

Procedural matter

3. As set out above there are two appeals on this site. Whilst each scheme proposed the addition of a further floor to the building, clad in vertical timber boarding and with a flat roof, they differ in the extent of the proposed
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additional floor and the size of the flats proposed by each scheme. The proposal which is the subject of Appeal B has a smaller footprint than the scheme proposed by Appeal A. It is confined to the rear part of the building, and proposes four one bedroom flats as opposed to two 1-bed flats, one 2-bed flat and one 3-bed flat. Scheme B also proposes a glazed screen to the rear elevation of the building. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

4. The decision notice in respect of Appeal A refers, to the effect of the proposed development on the living conditions of the occupiers of number 1 Willowcourt Road. I saw on my site visit, and from the submitted plans, that the street to the west of the appeal building is named Willowcourt Avenue. It is evident that this is a minor typographical error in the decision notice, and it is clear which property the reason for refusal relates to. I have therefore determined the appeal on this basis.
5. Amended drawings were submitted with the appeal in respect of the scheme which is the subject of Appeal A. These show the balcony area to the side of Flat 1 removed from the scheme. It was suggested that if the appeal were to be allowed, a condition could be imposed requiring the development to be implemented in accordance with the revised drawings. These drawings were not before the Council when it determined the application and it is not clear whether the Council have seen these drawings, nor has the Council commented on them. However, as I have dismissed the appeal for other reasons, it is not necessary for me to consider these drawings and they would not have led me to reach a different conclusion on the main issues.

Main Issues

6. The main issues in these appeals are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of no. 1 Willowcourt Avenue with particular regard to loss of privacy.

Reasons

Character and appearance

7. Taken together, Policies 7.4 and 7.6 of the London Plan 2015, Policy CS1B of the Harrow Core Strategy 2012 (Core Strategy) and Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (DMP) seek to ensure that new development is of a high standard of design, that complements and responds to its context; and which complements or enhances local architectural character. More detailed design advice on design is given in the Harrow Supplementary Planning Document: Residential Design Guide 2010 which is to be read alongside the general design policies.
8. The appeal building is a four storey, L-shaped, flat roofed structure constructed of buff coloured bricks and with large areas of glazing. It has a short frontage to Kenton Road with the greater part of the building set back from the road behind a two storey, flat roofed, terrace of commercial buildings. At the north

east end of the building is a lift and stair tower that projects above the level of the flat roof. The roof also houses a number of pieces of telecoms related equipment and antennae, and a flat roofed structure that previously housed a water tank. Part of the building has previously been converted to flats.

9. Kenton Road is a wide, four lane, road which contains a linear district centre set amongst a wider residential area. The appeal building is located at the eastern periphery of the district centre with two storey houses beyond, some of which, adjacent to the district centre, are in commercial use. West of appeal building, the built form on Kenton Road comprises predominantly three storey buildings with commercial premises on the ground floor and residential above. North and south of Kenton Road are two storey residential properties.
10. The district centre exhibits a varied architectural character with a range of building designs, although there are strong building lines resulting from the long frontages of the commercial terraces. Relatively uniform building heights also contribute to the visual consistency of the street frontage.
11. The appeal building is currently an anomaly within the street scene, due to its height, design and massing. The building has a prominent lift and stair tower to at the east end and the main part of the building, with the largest bulk, is set well back from the road behind a lower, two storey, element.
12. At present the four storey element of Brent House that fronts Kenton Road appears more prominent as a result of the additional floor and flat roof, nonetheless, it is of a similar overall height to adjoining three storey pitched roof terrace. The construction of an additional floor above this section as proposed by Appeal A would, however, be very visually prominent in views from the street and would add a significant, flat roofed, structure rising above, and markedly different from, the pitched roofs of the adjoining terrace. This would be exacerbated by the different walling materials and would significantly increase the perceived height of the structure. As a result of the increased height, the extension on this part of the building would appear as an incongruous feature, particularly when viewed from the east where it would be seen above the two storey section of building.
13. Although the proposed fifth floor would set back from the edges of the roof of the building, due to the width and straight nature of Kenton Road, this would not significantly reduce the visibility an extension on the front part of the building.
14. My attention has been drawn to the nearby building known as Hillrise Court, which is between three and six storeys in height. I was able to see this building when I visited the site, and I saw that whilst it is tall, overall the building occupies a smaller footprint than the appeal building and gradually steps up in height from the lower terrace adjacent to it. It is, in effect, at the end of a group of buildings next to a large visual gap in the built form that results from the presence of the railway line. Consequently, I do not consider that the context of this building is directly analogous to that of Brent House.
15. The increased height of the front section of Brent House which would result from the extension, in combination with the visual prominence of the front part of the building, would be harmful to the character and appearance of the area.

16. The proposed fifth floor on the section of the building which is set back would be less visually prominent, as it would be sited well behind the very strong building line formed by the commercial buildings on Kenton Road. The presence of the two storey units to the front and stepped back upper floor of the current building reduces the perceived height of the block when viewed from the east and south. In addition, the proposed extension would be partially screened by the prominent stair/lift tower on the east end of the building and screened in views along Kenton Road from the west by the existing built form of the street. As an additional floor on this part of the building would not be seen in the immediate context of the three storey buildings fronting Kenton Road, the additional height would not appear incongruous.
17. Although the proposed fifth floor would be more obvious when viewed from the rear, it would mainly be seen from restricted viewpoints in the car park behind the building and from a small number of dwellings. There are some limited views from Hillbury Avenue and Willowcourt Avenue between the houses, however, from these the rear part of Brent House is seen in isolation from the surrounding built form on Kenton Road and the removal of the water tank building and the screening of the telecommunications equipment would improve the skyline. Whilst glass screens may not be feature of area, the appeal building is already markedly different from others around it. The glazed screen to the access walkway to the proposed flats would be a lightweight structure and would mirror the strong horizontal feature of the windows on the elevation of the building below.

Conclusion on character and appearance in respect of Appeal A

18. As a result of the harm to the character and appearance of the area that would be caused by the addition of a fifth floor above the front section of the building, Appeal A must fail. The development would be contrary to the relevant requirements of Policies 7.4 and 7.6 of the London Plan; Core Strategy Policy CS1B; DMP Policy DM1; and the Harrow Residential Design Guide Supplementary Planning Document which seek a high standard of design that has regard to its context and local character.

Conclusion on character and appearance in respect of Appeal B

19. The scheme that is proposed by Appeal B, restricts new development to the rear section of the building where I have found that the development would not cause harm to the area's character and appearance. It would comply with the relevant requirements of Policies 7.4 and 7.6 of the London Plan; Core Strategy Policy CS1B; DMP Policy DM1; and the Harrow Residential Design Guide Supplementary Planning Document.

Living conditions

20. This matter is only relevant to Appeal A, as the living conditions of neighbouring residential properties is not raised as an issue by the Council in respect of Appeal B. It is common ground between the parties that the proposed development would not result in any loss of light to neighbouring properties, would not have an adverse effect on outlook from these or appear overbearing. From the evidence before me, and from what I saw on my site visit, I have no reason to reach a different conclusion.

21. The Council's principal concern is that the proposed roof terrace to the side of Flat 1 would result in overlooking of the rear garden of the residential property at number 1 Willowcourt Avenue. I saw on my site visit that there are a number of windows in the side and rear elevations of the existing building which overlook the rear garden of 1 Willowcourt Avenue at present.
22. In addition to this, there is a raised deck to the rear of the properties at 192 to 200 Kenton Road that provides access to residential accommodation above the ground floor commercial premises and from which there would be views into the rear garden of 1 Willowcourt Avenue. I also saw that first floor windows on the rear elevation of number 3 Willowcourt Avenue would also allow overlooking of the rear garden of the adjoining house.
23. Whilst the use of the proposed terrace at the side of Flat 1 would have the potential to allow overlooking of the rear garden of number 1 Willowcourt Avenue, this is already overlooked to a large degree from existing properties. As it is an external area and is not used to gain access to the proposed flat, the roof terrace would not be in continuous use. Consequently, opportunities to overlook the neighbouring gardens would be reduced. Within this context, any small amount of additional overlooking that would result from the proposed development would not materially worsen the present situation.
24. I therefore conclude that the development proposed by Appeal A would not cause harm to the living conditions of the occupiers of no. 1 Willowcourt Avenue with particular regard loss of privacy. It would comply with the relevant requirements of Policies 7.4 and 7.6 of the London Plan, Policy DM1 of the DMP and the Harrow Supplementary Planning Document: Residential Design Guide which seek to ensure that new development does not have an adverse impact on the living conditions of the occupiers of neighbouring residential properties.

Other matters

25. Although it does not form part of the Council's reasons for refusal, concern has been raised regarding parking in connection with the existing and proposed development and the displacement of cars onto surrounding highways. The precise ownership and usage rights of the car park are not clear from the evidence. This notwithstanding, there are a small number of pay and display parking bays on Kenton Road and near the junctions of Willowcourt Avenue and Upton Gardens, and whilst there are parking restrictions on Kenton Road and Willowcourt Avenue, these are not full time. If parking were to be displaced from the rear of the building, there is capacity within the surrounding area for vehicles to legally park and there is no substantive evidence in respect of parking stress in the area. The appeal building is located in an area which has a high level of accessibility to public transport, with a Public Transport Accessibility Level rating of 5, and consequently occupiers of the new flats would not necessarily be dependent on private cars to meet their transport needs. I also note that the Highway Authority have no objections to the proposals.
26. I have also had regard to the points raised in respect of overstretched services, management of the refuse storage area and maintenance of the exiting flats, however, there is no substantive evidence in support of these.

Conditions

27. I have had regard to the conditions suggested by the Council. In order to provide certainty as to what has been granted permission I have attached a condition specifying the approved plans. The planning application does not contain specific details of the proposed external materials and in order to ensure that the proposed development complements that materials used in the existing building it is necessary to attach a condition requiring that the external materials be approved. As this is fundamental to the proposal this condition needs to be pre-commencement. In order to ensure the proper management of waste storage and avoid obstruction of the access to the site it is necessary to impose a condition requiring refuse bins to be stored within the designated area. Due to the upper floor location of the development it is also necessary for appropriate arrangements to be made for foul water disposal.
28. The Council have suggested a condition in respect of the exercise of permitted development rights under Part 16, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order (the Order) 2015. The suggested condition duplicates the requirements of Paragraph A.3(3) of the Part 16 of the Order which requires the prior approval of the Council to be sought for the siting and appearance of any proposed telecommunications equipment before the permitted development rights are exercised, and consequently I do not consider that this condition is necessary.

Conclusion

29. Although I have found that the proposed development which is the subject of Appeal A not cause harm to the living conditions of the occupiers of 1 Willowcourt Avenue, this would not outweigh that harm I have found that the development would cause harm to the character and appearance of the area. For the reasons set out above, I conclude that Appeal A must fail and be dismissed.
30. The amended proposal, which forms the subject of Appeal B, removes the element of the initial proposal which caused that harm and the proposal would provide some improvement to the appearance of the building. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that Appeal B should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions: Appeal Reference APP/M5450/W/16/3153834

- 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: 1507-A-101 Revision A (Location Map); 1507-A-103 Revision A (Site Layout - Existing); 1507-A-105 Revision A (Roof Plan - Existing); 1507-A-105 Revision A (Third Floor Plan - Existing); 1507-A-106 Revision A (North Elevation - Existing); 1507-A-107 Revision A (South Elevation - Existing); 1507-A-108 Revision A (East Elevation - Existing); 1507-A-109 Revision A (West Elevation - Existing); 1507-A-110 Revision A (Site Layout - Proposed); 1507-A-111 Revision A (Third Floor Plan - Proposed); 1507-A-112 Revision C (Fourth Floor Plan - Proposed); 1507-A-113 Revision C (Flats Plans - Proposed); 1507-A-114 Revision C (Roof Plan - Proposed); 1507-A-115 Revision C (North Elevation - Proposed); 1507-A-116 Revision C (South Elevation - Proposed); 1507-A-117 Revision C (East Elevation - Proposed); 1507-A-118 Revision C (West Elevation - Proposed); 1507-A-119 (Section Showing Safe Access Proposals); 1507-A-121 (Context Section Proposed).
- 3) No development shall take place until samples of all external facing materials have been submitted to, and approved in writing by, the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 4) The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these details and shall thereafter be retained.
- 5) Refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage area as shown on the approved plans. On collection days only, the refuse bins shall be brought to the site entrance.