

Appeal Decisions

Site visit made on 22 November 2016

by D H Brier BA MA MRTPI

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

Decision date: 22 December 2016

53 Greystoke Avenue, Pinner HA5 5SN

Appeals made by Mr and Mrs M Bates

Appeal A Ref: APP/M5450/X/16/3148125

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against the decision of the Council of the London Borough of Harrow to refuse to grant a certificate of lawful use or development (LDC).
- The application Ref P/5644/15, dated 3 December 2015, was refused by notice dated 3 February 2016.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is a loft conversion with rear dormers.

Summary of Decision: The appeal is dismissed.

Appeal B Ref: APP/M5450/W/16/3148195

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the decision of the Council of the London Borough of Harrow to refuse to grant planning permission.
- The application Ref P/5649/15, dated 3 December 2015, was refused by notice dated 29 January 2016.
- The development proposed is ground floor rear and front extensions.

Summary of Decision: A split decision is issued and the appeal succeeds in part.

Appeal A

Procedural Matters

1. Although the LDC application was made under section 192, the appeal form refers to section 191. As the scheme in question is a development proposal, section 192 is the relevant piece of legislation and so the appeal will be determined on that basis.
 2. The case details set out above are taken from the LDC application form. However, the description of the proposal on the notice of refusal is different, while yet another form of words is used on the appeal form.
-

3. The overall configuration of the scheme would be 'L' shaped. This would be achieved by 2 measures: firstly, increasing the size of an existing flat roofed rear dormer at second floor level so that it would occupy nearly all of the roof plane; and, secondly, adding another storey on top of a flat-roofed 2 storey projection at the back of the house. Also included in the proposal are a 'Juliet' balcony at the rear, and the insertion of 2 roof lights in the front roof plane¹. In the light of this, I consider it more appropriate to describe the proposal 'the provision of additional accommodation at second floor level, together with a 'Juliet' balcony at the rear, and the insertion of 2 roof lights in the front roof slope'. I will therefore deal with appeal on this basis.

Appeal

4. Although the first reason for refusal cites the provisions of Part 1 Class A(i) of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), the appeal is based upon the premise that the proposed works are 'permitted development' by virtue of the provisions of Class B (B2)(b). In essence, the matters in dispute focus on the implications of the positioning of the extended dormer and the provision of the additional accommodation above the rear projection.
5. Part 1 of Schedule 2 of the GPDO is headed '*Development within the Curtilage of a Dwellinghouse*' but Classes A and B apply to different forms of development. The former concerns the '*enlargement, improvement or other alteration of a dwellinghouse*', whereas the latter covers '*additions etc. to the roof of a dwellinghouse*'. Given the present built form of the rear of No.53, and the particular nature of the proposal, my view is that it is appropriate to view the scheme in the light of both classes.
6. I accept that extending the dormer over the roof plane is an addition to No.53's roof. However, a substantial part of the scheme involves raising the outer walls of the rear projection so that it would line in with the top of the extended dormer. Because of this, it appears to me that, as a matter of fact and degree, the scheme amounts to significantly more than just an addition to the property's roof - it involves an appreciable enlargement of the house too. In the light of this, although the proposal represents a single physical entity, it is reasonable to regard it as something of a hybrid. Accordingly, therefore, for the purposes of applying Part 1, the scheme falls to be considered in the light of Class A as well as Class B.
7. Irrespective of whether the rear projection is an original feature of No.53, as opposed to an extension, as the notice of refusal indicates, it is clear from the submitted plans that the height of the eaves of the additional storey above the projection would be well in excess of 3m. In addition, judging by what is indicated on the appellants' Land Registry Plan, No.53's boundary appears to be flush with the flank wall of the house. As such, this element of the scheme would not accord with proviso A.1(i) of Class A as it would be within 2m of the boundary of the house's curtilage.
8. Turning to Class B, the application drawings incorporate scales, and are annotated with various dimensions. However, the latter do not cover the

¹ The proposed layout drawing ref GT D552-03COL shows this, but 2 plans which show the front elevation, and which both bear the reference GT D552-04COL, are different. One shows 2 windows on the front roof slope, whereas the other only depicts one. I shall base my decision on the version that accords with the layout drawing i.e. the 2 front window' scheme.

distance between the edge of the dormer and the eaves of the original roof. Nor do the drawings show the relationship between the proposal and the eaves, or the eaves themselves, particularly lucidly. This lack of clarity makes it very difficult for me to agree with the appellant's assertion that the plans "*clearly*" show the dormer set back by 200mm from the eaves. On the contrary, I find this matter rather inconclusive to the extent that I am not satisfied that it has been demonstrated that condition B.2(b)(i)(bb) would be met.

9. For the reasons given above, and having regard to all the other matters raised, I am satisfied that the Council's refusal to grant a LDC in respect of the development proposed was well-founded. I shall exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Appeal B

10. The proposal has 2 components, a first floor extension at the front of the appeal property, and a single storey addition at the rear, but the notice of refusal is directed solely at the former. As the appeal concerns the proposal as a whole, my decision will encompass all of it. That said, I consider the main issue is whether the extension to the front of the house would adversely affect the character and appearance of the host dwelling and the local street scene
11. Planning policies for the area are contained in The London Plan (TLP), the Council's Core Strategy (CS), their Development Management Local Plan (DMLP), and their adopted Supplementary Planning Document (SPD) Residential Design Guide. Having read that the latter was adopted following a consultation exercise, I attach weight to it commensurate with its status.
12. Both TLP Policies 7.4B and 7.6B require that buildings should be of a high architectural quality. A similar approach is contained in CS Policy 1(B) which also indicates that proposals that would harm the character of suburban areas will be resisted and extensions should respect their host building. This approach is reiterated and expanded upon in both DMLP Policy DM1 and the SPD.
13. The appeal property lies in an established residential area and is within a row of 4 pairs of semi-detached houses whose front elevations are dominated by large 2 storey flat roofed projecting bays. The proposed front extension, which would also have a flat roof, would effectively fill in the recess on the eastern side of the house above a porch at ground floor level. According to the first floor layout drawing it would be in line with the 2 storey bay².
14. As the appellants indicate, a variety of house designs is in evidence locally. Be that as it may, my impression was that the part of Greystoke Avenue in the immediate vicinity of the appeals site is characterised in the main by well-proportioned semi-detached houses that blend in well with the surroundings and are generally pleasing to the eye. I do not, however, consider this would be the case with the appeal proposal.
15. I appreciate why the additional space created by the proposed front extension would be beneficial for the appellants, and in terms of its scale it would be a fairly modest addition to the house. But, even though the flat roofed design of

² This is indicated on drawing No. GT D552-04, Proposed First Floor layout 1:50, but the 1:100 Proposed Side Elevation drawing No. GT D552-05 appears to indicate a small set-back.

the extension would reflect that of the main gable, I consider it would tend to give the front elevation of No.53 a markedly box-like appearance. It would also make the front elevations of the host building and the other half of the pair, No.55, look lop-sided and imbalanced.

16. Given its position, the presence of the extension would be readily apparent to passers-by in this part of Greystoke Avenue. Its effect would be to introduce a visually discordant feature, wholly at odds with the essentially neat lines of the majority of the houses here. As a result, it would have a detrimental effect on the appearance of both the host property and the local street scene. As such, it would be contrary to the relevant provisions of the development plan and the SPD. Nor would it accord with The National Planning Policy Framework which emphasises the importance of good design.
17. Turning to the proposed rear extension, no objection is raised to its form and appearance. Nor is it claimed that it conflicts with any development plan policy. At some 4.5m deep, it would clearly exceed the 3m figure referred to in the SPD. But, in this case, it would only project some 1.5m beyond an existing extension at the rear of the neighbouring house, No.55. In these circumstances, I do not consider the proposal would seriously impinge upon the living conditions of the occupiers of that house. The same goes for the occupiers of No.51, given there is a gap between that house and No.53. I see no reason therefore why planning permission should be withheld for this component of the project
18. As the 2 parts of the project are physically separate entities, it is expedient for a split decision, whereby the appeal succeeds insofar as the rear extension is concerned, to be issued. No conditions have been suggested by the parties and I see no need for any other than ones relating to the commencement of development and specifying the plans to which the permission relates.

Other Matters

19. I have taken into account all the other matters raised in respect of both appeals, including the references to works at other properties in Greystoke Avenue. None, however, are sufficient to outweigh the considerations that have led me to my conclusions.

Formal Decisions

Section 195 Appeal A Ref: APP/M5450/X/16/3148125

20. I dismiss the appeal.

Section 78 Appeal B Ref: APP/M5450/W/16/3148195

21. The appeal is dismissed insofar as it relates to the first floor front extension and is allowed insofar as it relates to the ground floor rear extension. Planning permission is granted for the ground floor rear extension at 53 Greystoke Avenue, Pinner HA5 5SN in accordance with the terms of the application, Ref P/5649/15, dated 3 December 2015 and the plans submitted with it so far as relevant to that part of the development hereby permitted and 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 approved plans numbers GT D552-01 to 06.

D H Brier

Inspector