
Appeal Decision

Site visit made on 29 November 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 23 December 2016

Appeal Ref: APP/M5450/W/16/3158522

60 Jellicoe Gardens, Stanmore HA7 3NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr and Mrs David Isaacs against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2462/16, dated 22 May 2016, was approved on 8 July 2016 and planning permission was granted subject to conditions.
 - The development permitted was described in the planning application as first floor rear extension; conversion of loft to habitable roofspace; rooflights in rear roofslope; external alterations.
 - The condition in dispute is No 5. The condition and reason for imposing it state:
"Notwithstanding the details shown on the approved plans, detailed drawings showing the following modification to the scheme shall be submitted to and approved in writing by the Council before any work is commenced on site. This part of the development shall be completed only in accordance with the modifications thus approved: A) A subordinate pitched roof."
Reason: *"This is considered unsatisfactory in the form shown on the drawings to date and this aspect of the scheme should be modified to ensure an acceptable form of development in accordance with Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013)."*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the disputed condition continues to fulfil a necessary and reasonable planning purpose.

Reasons

3. 60 Jellicoe Gardens is a 5 bed detached house with a good size rear garden in a residential road of mainly modern detached houses. There is an existing single storey rear extension and adjoining conservatory whose pitched roofs are of a height that gives the additions a subordinate appearance in relation to the rest of the building.
 4. The plans submitted with the original application showed that the roof of the approved first floor rear extension would be the same height and pitch as the main house. However the Council imposed Condition 5 that requires prior approval of details showing this element to have a subordinate pitched roof.
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5. From what I have seen of the site and the submitted plans, I agree with the Council that the roof as proposed, although at a similar pitch to its host would be disproportionately high in relation to the main building in the approved scheme. As such it would cause harm to the character and appearance of the main building. It is not for me to redesign the roof element, however I am satisfied that it could be so altered to achieve a more harmonious appearance against its host. This would be a matter for the Council in the first instance on any eventual application to discharge the condition.
6. The Council's Supplementary Planning Document: *Residential Design Guide* 2010 (SPD) states at section 6.64 that roofs should be designed to reflect the character of the main house and those adjoining it. Further, the height of any first floor or two-storey extension should not exceed the height of the highest part of the roof of the existing dwelling house.
7. The SPD has significant weight as a detailed document that has undergone statutory consultation. I do not agree that it is necessarily "definitive" as such guidance does not displace relevant development plan policies in accordance with which an application should be determined. Indeed the SPD provides a set of principles and guidelines for domestic extensions and alterations in the Borough to address concern about the quality of new residential development "pending the adoption of new policies in planning documents to form the Local Development Framework¹." Those new policies are now in place.
8. In any event the disputed condition in my view is consistent with the SPD. Although the maximum advised height of the roof would not be exceeded, it would not satisfactorily reflect the character of its host, due to the excessive roof bulk which would detract considerably from the appearance of the main roof element and consequently the rest of the building.
9. To remove Condition 5 would therefore conflict with SPD and Policy CS1.B of the Harrow Core Strategy 2012 and Policy DM1 of the Harrow Development Management Policies Local Plan 2013. These policies require extensions to respect their host building and to achieve a high standard of design having regard, among other matters to the proposed roof form.
10. I have had regard to guidance on the 'Use of Conditions in Planning Permission' as set out in the Planning Practice Guidance and guidance in the National Planning Policy Framework. The condition is in my view necessary and reasonable to ensure that a subordinate roof form is incorporated into the approved scheme.

Conclusion

11. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean

INSPECTOR

¹ SPD, page 3 (Foreward) and page 5 (Paragraph 2.2)