

Appeal Decision

Site visit made on 19 December 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 9th January 2017

Appeal Ref: APP/M5450/D/16/3159169

70 The Avenue, Rayners Lane, Pinner HA5 5BJ

- 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 H Tailor against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2699/16, dated 3 June 2016, was refused by notice dated 3 August 2016.
 - The development proposed is part single storey side/rear extension, part single storey front and garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for part single storey side/rear extension, part single storey front and garage conversion at 70 The Avenue, Rayners Lane, Pinner HA5 5BJ in accordance with the terms of the application Ref P/2699/16, dated 3 June 2016, 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 materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: TA70-4001; TA70-4002; TA70-4003; TA70-4004.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no window(s)/door(s) shall be installed in the flank elevation of the development hereby permitted without the prior permission in writing of the local planning authority.
 - 5) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.
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Procedural Matter

2. At the time of my site visit building work associated with two recent applications¹ was underway. This includes alterations to the roof to form a part gable end rear dormer, and a single storey rear extension with a depth of 5m extending across the width of the original dwelling. This latter addition was the subject of an application for prior approval; as no objections were received the Council notes that prior approval was not required.
3. The Council states that permitted development proposals cannot be implemented in combination with other subsequently approved planning applications. However, the prior approval development is substantially complete, and the Council have given no specific indication of how the current proposal would alter the status of this addition. I have therefore considered the current scheme on its own merits.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the dwelling; and,
 - The effect of the proposal on the living conditions of the occupiers of No 72 The Avenue with particular reference to outlook and loss of light.

Reasons

Character and appearance

5. The appeal property is located on a mature residential road characterised by two storey semi-detached properties on good sized plots. Whilst many of these properties have been altered and extended, much of their original appearance remains in evidence. The appeal property has previously been altered with the addition of a two storey side extension and single storey rear extension and, as noted above, further alterations have recently been undertaken.
6. The appeal relates to an application to convert the side garage into a habitable room and to extend the front porch forward by around 1m. It also includes a further rear extension, adjoining to the south of the permitted extension, enabling a larger full-width kitchen to be created across the rear of the property. The rear building line of this element would be set in somewhat from the permitted extension, creating a staggered building line. This would have a flat roof with a slightly lower maximum height than the adjoining extension.
7. The Council raises no objection to the garage conversion and front extension and I have no reason to take a different view. I therefore focus my attention on the rear element. On this matter the Council's concern is the cumulative effect of the permitted and proposed developments on the character of the original dwelling. However, as noted above, it is only relevant to consider the present proposal at this time.
8. It is clear that the appeal property has been substantially altered, particularly when viewed from the front. In this context the addition of a further single storey rear element, which would be located behind the building line of the

¹ P/1572/16 and P/2040/16

permitted development and would have a lower level flat roof, would not in itself significantly alter the appearance of this building, nor would it be visible in public views. In this sense this relatively modest addition would be incidental to the overall appearance of this dwelling, and would not subsume its character.

9. The proposal would not therefore be harmful to the character and appearance of this dwelling. In this respect it would not conflict with Policies 7.4B or 7.6B of The London Plan 2016, Policy CS1(B) of the Harrow Core Strategy 2012 (the Core Strategy), Policy DM 1 of the Harrow Development Management Policies Local Plan 2013 (the DMP), or the Supplementary Planning Document Residential Design Guide 2010 (the SPD), all of which seek to secure a high standard of design which respects local character.

Living conditions

10. The Council also raises concerns about the effect of the proposal in terms of outlook, loss of light and overshadowing to the neighbouring property at No 72 The Avenue. Specific reference is made to the excessive rear projection. However, whilst the permitted development lies directly adjacent to the shared boundary with No 72, the currently proposed rear extension would be located on the other side of the rear of this property, adjacent to the shared boundary with No 68. Whilst I accept that the presence of the permitted development will be apparent to the occupiers of No 72, it is clear that this development is substantially completed. Therefore the currently proposed addition would not be visible to the occupiers of this property, nor would it have any additional effect on the light reaching it.
11. Therefore, this proposal would not have a detrimental effect on the living conditions of the occupiers of No 72 The Avenue with particular reference to outlook and loss of light. It would therefore comply with Policy 7.6B of the London Plan, Policy DM 1 of the DMP and the SPD, all of which seek to ensure that proposals are not harmful to the amenity of the occupiers of neighbouring properties.

Conclusion

12. For these reasons I conclude that the appeal should succeed and planning permission is granted. This is subject to the conditions necessary for the avoidance of doubt, in the interests of proper planning, and to safeguard both the character and appearance of the area and the living conditions of the occupiers of the neighbouring property. It is also appropriate to include a condition removing permitted development rights to install windows/doors in the flank elevation, and to prevent the roof area being used as amenity space in order to protect the privacy of the occupiers of the neighbouring property.

AJ Mageean

INSPECTOR