
Appeal Decision

Site visit made on 20 December 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 9 January 2017

Appeal Ref: APP/M5450/W/16/3158649
Flat 2, 2 Kenton Road, Harrow HA1 2BL

- 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 Dr Christopher Lambert against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2679/16, dated 9 June 2016, was refused by notice dated 4 August 2016.
 - The development proposed is the formation of a balcony from the first floor flat above the existing ground floor extension. Change existing sash window to door.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a balcony from the first floor flat above the existing ground floor extension. Change existing sash window to door at Flat 2, 2 Kenton Road, Harrow HA1 2BL in accordance with the terms of the application, Ref P/2679/16, dated 9 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 development hereby permitted shall be carried out in accordance with the following approved plans: 2KR-01 Revision B and 2KR-02.
 - 3) The development hereby permitted shall not commence until samples of the materials to be used in the construction of the balustrades have been submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of occupants of ground and first floor flats of 3 Kenton Road, with regards to privacy and outlook.

Reasons

Character and Appearance

3. The appeal site is a mid-level flat within a two storey semi-detached property that has been split into three flats. The site is in a built up area a short distance away from Harrow town centre. The ground floor flat (Flat 1) has
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been extended at the rear with a flat roof rear extension which abuts an office car park. Adjoining the site is 3 Kenton Road which contains a ground and first floor flat. A garden is to the rear of No 3. The area contains a mixture of residential and commercial uses, however the site itself is suburban in character, with trees nearby that make a visual contribution to the visual appearance of the area. The proposal would be above the single storey rear extension attached to flat 1.

4. The proposal would be prominent due to its position above the ground floor extension. However the effect would be limited as a result of nearby buildings and trees which form an enclosed space behind the appeal site. While this area is used for car parking and the proposal would be visible from multiple vantage points opposite, the wider area does contain examples of balconies at Carnegie House and Spire House. The nearest of which, Carnegie House, uses a glazed balustrade not dissimilar to the appeal scheme. In terms of the proposed door, there is a large variety of window and doors nearby. Thus, the appeal scheme, including the use of glazing would not be uncharacteristic.
5. Although the balconies of Redwood House face Kenton Road, they do still form part of the areas character and appearance. I appreciate each proposal needs to be considered on its own merits and some of the balconies nearby may relate to applications considered under different policies or through the prior approval process. However consideration of character and appearance is an underlying principle of the planning process that has changed little over time.
6. For these reasons, on this issue, I therefore conclude that the proposal would not harm the character and appearance of the area. As such, it would not conflict with Policy CS1 B of the Harrow Core Strategy (Core Strategy), Policy DM1 of the Harrow Development Management Policies Local Plan (Local Plan), Policies 7.4B and 7.6B of The London Plan and the Council's Supplementary Planning Document *Residential Design Guide* (SPD). These policies, amongst other things, seek development to achieve a high standard of design that positively responds to the pattern of development and local context.

Living Conditions

7. Two windows are in the rear elevation of the ground floor flat of No 3. These do not appear to serve habitable rooms. A window in the first floor rear elevation of No 3 connected with the upper floor flat appears to serve either a kitchen or a bathroom. It is misted which would limited views from it towards the appeal site.
8. The proposal includes obscure glazing which would be 1.6 metres high and set back from both flank elevations by approximately 0.5 metres. Even though the screen nearest to No 3 would add height to the existing single storey extension, the use of glazing would be less overbearing than the brick built extension beneath as it would allow light to penetrate and thereby avoid overshadowing. Thus the proposal, in terms of the occupants in the ground floor flat of No 3 and those using the rear garden, would not have an overbearing effect. Also, the set back together with the position of the first floor window in No 3 would mean that the occupants would retain a satisfactory outlook towards the garden and trees at the rear.
9. While the Inspector considered that a condition was appropriate to prevent the flat roof of flat 1, No 2, being used as a balcony in the interests of neighbours'

privacy in the appeal decision¹, the privacy of occupants either side of the site would be maintained due to the proposed obscure glazed privacy screen. A suitable obscurity level would prevent views into the adjacent amenity area. I recognise some glimpses may still be possible above the screen, but users of the balcony would need to peer over the screen in order to do so. Although users of the amenity area in particular may perceive to be overlooked, over time this would lessen. I do not therefore consider that the proposal would cause an unreasonable loss of privacy whether this is actual or perceived.

10. Accordingly, I conclude on this issue that the proposal would accord with Policy DM1 of the Local Plan, Policy 7.6B of The London Plan and the SPD. These, amongst other things, aim to achieve a satisfactory standard of privacy, outlook and living conditions for neighbouring occupants.
11. Although the Council refer to Policy CS1 B of the Core Strategy, with regards to this issue, part B of the policy is concerned with character and design rather than living conditions.

Conclusion and Conditions

12. I have imposed a condition specifying the development permitted shall be carried out in accordance with the approved plans in the interest of certainty. A condition requiring the submission of samples of the flank balustrades is necessary in the interests of residents' privacy and to safeguard the character and appearance of the area.
13. For these reasons set out above, I conclude that the appeal should be succeed.

Andrew McGlone

INSPECTOR

¹ Appeal Decision Ref: APP/M5450/W/15/3003629