
Appeal Decision

Site visit made on 8 February 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 14th February 2017

Appeal Ref: APP/M5450/D/16/3165590

34 Lulworth Gardens, Harrow HA2 9NP

- 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 S Suresh against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3548/16, dated 23 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is construction of single storey, two storey side to rear, single storey front with porch and converting garage into habitable (room).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the design quality of the host building and the character and appearance of the area.

Reasons

3. The host building is a semi-detached dwelling of modest proportions within a street of similar properties. Some have been extended and there is a notable extension nearby at 1 Lulworth Close, apparently approved by the Council, to which the appellant has drawn my attention. The merits of that decision are not a matter for me but, owing to its location on a corner plot it is conspicuous in the street scene. In the main, however, the street is fairly unremarkable in terms of extensions. The terraces on Kings Road, from which the rear of this property is inter-visible, have in some cases been extended with dormer extensions on the rear roof plane, as the appellant notes.
4. The proposed extension to the front of the property within the overall scheme of extension proposed draws no objection from the Council and I have no reason to take a different view. The two storey element to the rear, however, and its cumulative impact when taken together with what has already occurred is objected to by the Council, notwithstanding that in a technical sense there is compliance with many aspects of the Council's supplementary guidance on residential design. For example it would comply with the '45 Degree Code' and the Council acknowledges that the living conditions of neighbours would not be significantly affected. Adequate garden space would also be retained, albeit the rear gardens of the properties on Lulworth Gardens are in any event comparatively generous. A consequence of that is that extensions such as that proposed tend to be widely visible from neighbouring properties.

5. The back of the house at issue accords with that tendency and it has already been very substantially extended at three levels, the scheme of extension being surmounted by a large dormer style addition. The Council notes that this appears to have been built as permitted development and whether that is so is not a matter before me. Be that as it may, the overall result of the existing extensions has been to comprehensively alter and very substantially increase the bulk of the rear of the house in a manner that, whilst for the most part not conspicuous in the street scene, is nevertheless capable of being observed from a number of properties on Kings Road and from neighbouring gardens.
6. The Council refers to “overdevelopment” of the appeal site but this concept is not formally defined. The supplementary guidance, however, under the heading *‘Proportion and Scale’* states that... *“An extension should have a sense of proportion and balance, both in its own right and in its relationship to the original building and should not dominate the original or the surrounding streetscape”*. This is not an objective test in the way that elements of the supplementary guidance acknowledged to be complied with are. It is clearly subjective, and given that it is formally adopted merits weight, albeit not the weight to be accorded to the development plan.
7. Relevant development plan policy includes policy CS 1 of the Harrow Core Strategy 2012 and Policy DM 1 of the Harrow Development Management Policies Local Plan 2013. The former includes the requirement that extensions should respect their host dwelling, whilst the latter, which is explicitly concerned with achieving a high standard of development, seeks to resist proposals which... *“fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance”*. Relevant considerations listed include (b) appearance and (c) context. Appearance is stated to include architectural inspiration, detailing and roof form amongst other factors. The application of both policies clearly and inevitably requires a degree of subjective judgement, albeit the appellant regards the Council’s judgement as “highly subjective”.
8. Policy 7.4 of the London Plan, cited by the Council is of broad applicability but seeks amongst other things to protect local character, which logically includes that experienced by residents within housing areas as well as passers-by in the street. More pertinently, national policy articulated in The National Planning Policy Framework emphasises the importance of good design in context and states within the relevant section that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.¹
9. The proposed scheme of extension at issue takes as its starting point the house as extended and whilst the roof form, in particular, that would be widely visible from neighbouring properties to the rear arguably reflects the sloping tiled roof of the original dwelling, it would not sit well with the existing dormer. The proposal is indivisible, in visual terms, from the extensions already constructed and the net result overall would be a confused and visually incoherent structure of very considerable stature without a sense of proportion or balance either in its own right or in relationship to the host building as originally constructed, which it would wholly dominate. It would therefore, in my assessment, fail to

¹ NPPF paragraph 64

achieve the high standard of design required by the Council's supplementary guidance, the development plan and national policy.

10. I am conscious that the appellant has seemingly been encouraged by discussions with the Council in formulating the proposal at issue but that of itself is not a matter for me; and nor is it for me to suggest adjustments or revisions that might potentially satisfy the Council in a matter which is ultimately a matter of judgement. However, although I do not consider that the concept of 'over development' is objectively measurable, given the lack of definition of the term used by the Council, what is proposed would, in aggregate with what has gone before, nevertheless be a large and clumsy addition to the rear of the host building which would have a deleterious effect on its design quality and which would be experienced by a range of observers in surrounding properties.
11. Notwithstanding the evident lack of objection from neighbours, I am, for the reasons I have given, of the view that the proposal does, as the Council effectively maintains, represent poor design in context and that it would therefore harmfully conflict with relevant development plan and national policy. Whilst I have taken all other matters raised into account, I do not consider any material considerations, singly or in combination, have been identified sufficient to outweigh that conflict. I therefore conclude that the appeal should be dismissed.

Keith Manning

Inspector