

Appeal Decision

Site visit made on 8 February 2017

by M C J Nunn BA BPL LLB LLM BCL MRTPI

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

Decision date: 20th March 2017

Appeal Ref: APP/M5450/D/16/3166362

27 Warwick Avenue, Harrow, HA2 8RE

- 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 Seshagiri Rao Rayala against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/2242/16, dated 10 May 2016, was refused by notice dated 27 October 2016.
 - The development proposed is described as: "ground floor rear and two storey rear extension".
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Decision

1. The appeal is allowed and planning permission granted for a ground floor rear and two storey rear extension at 27 Warwick Avenue, Harrow, HA2 8RE, in accordance with the terms of the application, Ref: P/2242/16, dated 10 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250), Existing Floor Plans (ASB273-01HPA), Existing Elevations (ASB273-02HPA), Proposed Floor Plans (ASB273-03HPAA), Proposed Elevations (ASB273-04HPAA), Block Plan (ASB273-05HPA).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension shall not be occupied until the flood mitigation measures identified in the submitted Flood Risk Assessment¹ (FRA) have been fully implemented. The measures shall be permanently retained thereafter.

Reasons

2. The main issues are (i) the effect on living conditions at No 29 Warwick Avenue in terms of outlook, visual impact, daylight and sunlight; and (ii) whether the proposal would be at risk from flooding or increase flood risk elsewhere.

¹ Flood Risk Assessment, dated 23 August 2016

3. The appeal site comprises a semi-detached dwelling on the east side of Warwick Avenue. The property has an existing single storey rear extension, but this is not full width. This scheme proposes a full width ground floor extension, including a part width two storey element, set away from the adjoining property at No 25. However, the Council's concerns relate solely to the effect on No 29.
4. The limited depth of the ground and first floor rear extension, together with the intervening distance from No 29, are such as to avoid an unacceptable loss of outlook or significant visual impact at that neighbouring property. The easterly orientation of the rear elevation of the dwelling means that no significant overshadowing, loss of daylight or sunlight would occur at No 29. On the first issue, I find that the scheme would not adversely affect the living conditions at No 29, in terms of outlook, visual impact, daylight or sunlight. It would comply with Policy DM 1 of the Development Management Policies which requires proposals to achieve a high standard of amenity.
5. Turning to the second issue, the site falls within Flood Zone 2 according to the Environment Agency's mapping, where there is a medium probability of flooding. In the Harrow Strategic Flood Risk Assessment, it appears that the site is identified as within Flood Zone 3a and 3b, where there is a high probability of flooding. The appellant has submitted an FRA which proposes a number of measures to minimise the risk of flooding. These include, amongst other things, ensuring that the floor level of the proposed extension would be set no lower than the existing finished floor level of the property; the use of flood proofing and flood resilient construction measures within the extension; provision of flood compensatory storage at the site by lowering the existing ground levels; and rainwater harvesting systems using water butts.
6. The Council acknowledges the flood mitigation measures proposed but remains concerned that the FRA does not take into account the existing outbuilding within the rear garden. This outbuilding, the Council says, would reduce the amount of compensatory storage, and increase potential flood depth, meaning that further mitigation and displacement measures would be required. All that said, the actual increase in overall footprint proposed by this scheme is minimal. Moreover, the Planning Practice Guidance advises that minor developments such as householder extensions are unlikely to raise significant flood risk issues, except in specific circumstances which do not apply here². I am also aware that the Council has previously confirmed that prior approval³ is not required for a larger 6 metre rear extension at the property⁴.
7. To sum up, it would not be reasonable for the appeal to fail on the second issue. Provided that flood mitigation measures are incorporated within the extension, there would be no conflict with Policy CS1(U) of the Core Strategy which requires development to be managed to achieve an overall reduction in flood risk, and to increase resilience to flood events, nor with Policies DM 9 and DM 10 of the Development Management Policies that deal with flood risk management.

² Paragraph: 047 Reference ID: 7-047-20150415

³ P/3041/15

⁴ However, this scheme, if implemented appears to require partial demolition of the outbuilding.

8. A commencement condition is necessary to comply with the relevant legislation. A condition requiring compliance with the approved plans is necessary for certainty. A condition requiring materials to match those in the existing dwelling is required to safeguard the character of the building, as well as the wider area. A condition is necessary to ensure flood risk is adequately dealt with. Subject to these conditions, I conclude that the appeal should be allowed.

Matthew C J Nunn

INSPECTOR