
Appeal Decision

Site visit made on 16 March 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 24 March 2017

Appeal Ref: APP/M5450/D/16/3165726

31 Hallam Gardens, Pinner HA5 4PT

- 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 Anish Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4484/16, dated 20 September 2016, was refused by notice dated 30 November 2016.
 - The development proposed is construction of a single storey rear extension, new boundary fencing, rear landscaping including new rear decking, and the installation of new windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the conservation area, and the effect of the proposed decking on the living conditions of neighbouring occupants, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site at 31 Hallam Gardens is a two storey dwelling which occupies a prominent corner location on the junction between Felden Close and Hallam Gardens. The site lies within the Pinnerwood Park Estate Conservation Area (CA), which is characterised by early 20th century domestic architecture laid out to the principles of the garden suburb.
 4. Many of the dwellings are designed in the cottage style, which complements the spacious, leafy quality of the area. No 31 is a good example of the prevailing architectural style, with characteristic red brick walls and plain tile roofing, and features such as swept eaves and prominent gables. As such, it makes a positive contribution to the significance of the CA.
 5. The proposal would create a single storey rear extension which would partially wrap around to meet the projecting gable on the side elevation of the building. The appellant argues that the interest of this gable is confined to the first floor and roof areas, but I disagree. It incorporates a distinctive door case on the ground floor which forms a single piece with the first floor window surround above. The gable has a strong vertical emphasis which derives from the
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- progression of visual elements upwards towards the single chimney stack. The feature is all the more striking for its prominent corner location.
6. The projection of the gable from the side elevation gives rhythm, shadow and articulation to an otherwise plain façade. The proposed extension would detract from the gable by removing its projection on one side at ground floor level. Its prominence as an architectural feature would be compromised, and its vertical emphasis would be interrupted by the jarring horizontal emphasis of the extension. The rhythm of the facade as a whole would be disrupted by the incongruous wraparound element of the new extension. I accept that the proposal would utilise matching brick, and to that extent would reflect the character of the original dwelling. However, this would not overcome the unacceptable harm to the appearance of No 31 and its contribution to the architectural significance of the CA.
 7. In conclusion on this issue, I have had regard to the requirements under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In this case, I consider that the development would have an adverse effect on the conservation area, and to that extent would fail to preserve its character and appearance. It would thus be at odds with Policy DM 7 of the Harrow Council Development Management Policies (DMP, July 2013), insofar as it seeks to secure the conservation of heritage assets. It would also conflict with DMP Policy DM 1, which seeks to achieve a high standard of development.
 8. Whilst the harm to the significance of the conservation area would be less than substantial (in terms of the phraseology used in the National Planning Policy Framework), this does not mean that the harm would not be significant. Whilst the scheme would undoubtedly improve the internal accommodation at No 31, this would be a private benefit. I disagree that the scheme would improve the area, in view of the harm I have identified, and it is unclear how the proposal would contribute to any regeneration of the area. I therefore conclude that insufficient evidence has been provided in relation to public benefits that would outweigh the harm to the CA.
 9. The Council has objected to the proposed new windows on the grounds that aluminium would be an inappropriate material within the CA. I note that the application form states that the new windows would be aluminium, whereas the plans show proposed timber windows. However, this matter is not determinative as I have identified unacceptable harm to the CA. Finally, I have had regard to the representation that has been received in support of the proposal, but this has not led me to a different conclusion.

Living conditions

10. The Council has also voiced concern that the height of the proposed decking would potentially affect the living conditions of neighbouring occupants at 15 Felden Close, which adjoins the appeal site. Although there is little detail on the submitted plans regarding the height of the proposed decking, the appellant confirms that it would stand at approximately 195mm above the existing ground level, and would match the height of the internal floor. The Council does not dispute this evidence.

11. I am satisfied that decking of this height would not give rise to any undue overlooking of the property at No 15, and so the privacy of the neighbouring occupants would be preserved. I therefore find that the proposal would comply with DMP Policy DM 1, which amongst other things seeks to achieve a high standard of privacy and amenity.

Conclusion

12. Despite my finding that the development would preserve the living conditions of neighbours, it would unacceptably harm the character and appearance of the conservation area. Taking all other matters into consideration, I therefore conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR