
Appeal Decision

Site visit made on 15 March 2017

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 06 April 2017

Appeal Ref: APP/M5450/D/17/3167311

Pangbourne, Magpie Hall Road, Bushey Heath, Bushey, WD23 1NT

- 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 Shalim Ahmed against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5045/16, dated 26 October 2016, was refused by notice dated 20 December 2016.
 - The development proposed is the conversion of a garage to habitable accommodation, rear ground and first floor extensions, with extended pitched roof over with rear dormers and alterations to front fenestration.
-

Preliminary Matter

1. At the time of my site visit the dwelling was being extended in accordance with planning permission P/3544/16 granted in October 2016. The application which is the subject of this appeal seeks to extend the development authorised by that permission, in essence by extending the permitted first floor side extension towards the rear of the dwelling and adding a rear dormer.

Decision

2. The appeal is allowed and planning permission is granted for the conversion of a garage to habitable accommodation, rear ground and first-floor extensions, with extended pitched roof over with rear dormers and alterations to front fenestration at Pangbourne, Magpie Hall Road, Bushey Heath, Bushey, WD23 1NT in accordance with the terms of the application, Ref P/5045/16, dated 26 October 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: 034/EX/001, 034/EX/002, 034/EX100, 034/EX/101, 034/EX/102, 034EX103, 034/X,120, 034/EX121, 034/EX/122, 034/EX/123, 034/PL/200, 034/PL/201, 034/PL/202, 034/PL/203, 034/PL/220, 034/PL/221, 034/PL/222 Rev B and 034/PL/223.
 - 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.

Main Issue

3. The main issue is whether the building, if extended as proposed, would appear unduly prominent or obtrusive when seen from the nearby rear patio and gardens at Nos 20 and 21 Alpine Walk.

Reasons

4. The officer's report on the application notes that the two-storey side wall of the existing dwelling already projects 5m beyond the original rear elevation of 21 Alpine Walk. The report says that, because Pangbourne's side elevation is angled towards No 21, "there is already a breach in the 45 degree line on the horizontal plane when measured from the adjacent first-floor rear elevation of no 21 Alpine Walk". It goes on to say the proposed 3m rearward extension of Pangbourne's first floor side wall would exacerbate this breach.
5. The reference to the 45 degree line appears to relate to the Council's supplementary planning document, the Harrow Residential Design Guide. This says that no part of any new extension should interrupt a 45 degree splay (in the horizontal plane) drawn on plan from the nearest rear corner of any next-door dwelling if that dwelling's rear elevation has a protected widow (defined as main or primary windows to habitable rooms and kitchens over 13 sq m). From my examination of the submitted plans and what I saw on site I agree with the Council's analysis insofar as it relates to the 45 degree line in the horizontal plane and I note that the analysis is not contested by the appellant.
6. The Design Guide does not deal with the effect of distance on the interpretation of the 45 degree guidance. This is relevant because the interruption of a 45 degree splay becomes less significant as the distance between properties increases. It is particularly important in the case of the present appeal because the appellant specifically refers to the distance between the properties, which are separated by an accessway and turning area. The officer report recognises that the separation distance limits the effect of the proposed extension on the level of light into and the outlook from the habitable rooms at No 20¹. Since the impact on windows is not identified in the reason for refusal I assume that it does not form part of the Council's objection to the proposal; instead the refusal notice refers to the view from the rear patio and garden areas to 20 and 21 Alpine Walk.
7. Whilst I recognise that the proposal side extension would influence the view from patio and garden areas it should be noted that the 45 degree guidance is primarily designed to protect windows. An angle measured from the rear corner of a dwelling becomes a less relevant criterion as one moves into a patio or garden and away from the dwelling. In the present case moving away from the dwellings at Nos 20 and 21 and into their gardens would bring one slightly closer to Pangbourne's extended side elevation because of the angled relationship between the properties but this effect would be more than outweighed by the reduction in the angle of view taken up by the extended elevation.
8. The Design Guide also refers to a 45 degree criterion relating to the vertical plane. This says that the height of an extension adjoining a protected window

¹ Although the report refers to No 20 the nearest property is No 21

should not interrupt an upward plane angled at 45 degrees from the lower edge of a protected window. The guidance does not explicitly recognise the interaction between the two 45 degree criteria. It does however allow for a recognition of such interaction when it says: "The Code should not simply be applied on a mechanical basis". The officer's approach to the current application applies this flexible approach when it notes that the separation distance between the properties limits the effect of the proposed extension on the habitable rooms at No 20². What is not recognised in the report is that the separation distance between the properties would also mitigate the impact of the proposed side extension on No 20's and 21's patios and gardens. In this regard, I am satisfied that from most positions in these outdoor areas the visual impact of the extension would be reduced because it would not interrupt an upward plane angled at 45 degrees from eye level.

9. Taking account of the considerations in paragraphs 7 and 8 above I am satisfied that the proposed extension would not appear unduly prominent or obtrusive when seen from the nearby rear patio and gardens at Nos 20 and 21 Alpine Walk. It follows that it would not conflict with the relevant objectives of policy 7.6 in the London Plan (2016) or those of policy DM1 in the Harrow Development Management Policies Local Plan (2103).

Conditions

10. I have imposed the conditions suggested by the Council, which I consider necessary in the interests of clarity and visual amenity.

George Arrowsmith

INSPECTOR

² Although the report refers to No 20 the nearest property is No 21