
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/17/3167232

14 Kelvin Crescent, Harrow, HA3 6DP

- 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 Jusmin Chandaria against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4447/16, dated 17 September 2016, was refused by notice dated 30 November 2016.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is whether the development would have an unacceptably detrimental effect on the appearance of the parent house and the surrounding area.

Reasons

3. The appeal property is a two-storey detached house. Its location is unusual in that it sits at the head of two culs-de-sac, Kelvin Crescent and Lavender Gardens. Access is taken only from the former. The house has a gabled roof with the ridge at right angles to both culs-de-sac. The appeal concerns the construction of a substantial dormer on the roof slope facing Lavender Gardens. A dormer almost identical to that shown on the application drawings has been constructed on this roof slope without the benefit of planning permission. From the evidence of my site visit and the photographs in the grounds of appeal it appears that the dormer as constructed is slightly off centre, being closer to the gable on the north east side of the house than is shown on the drawings submitted with the application. Moreover, the fenestration in the constructed and proposed dormers is slightly different. Since the Council's refusal relates to the submitted drawings I have based my decision on those drawings. In practice the difference between the drawings and the dormer as constructed is not material to my decision.
4. The dormer as proposed (and as constructed) would cover most of the roofspace. When viewed from Lavender Gardens it would (and does) appear discordant and top heavy. The impact on the street scene is increased by the parent house being at a slightly higher level than the Lavender Gardens carriageway. My subjective impression is consistent with the guidance in the

Council's supplementary planning document, the Harrow Design Guide. This says that rear dormers should be set in by at least 1000mm from the gable end and set back at least 1000mm from the roof eaves. It also says that the retention of a clearly visible section of roof around the sides of a dormer window, including the upper corners, has the effect of visually containing them within the profile of the roof. The proposed dormer does not comply with the second and third of these guidelines. I conclude that it would (and does) have an unacceptably detrimental effect on the appearance of the parent house and the surrounding area. In so doing it conflicts with the objectives of the National Planning Policy Framework, policies 7.4.B and 7.6.B in the London Plan (2016), policy CS1.1B in the Harrow Core Strategy (2012) and policy DM1 in the Harrow Development Management Policies Local Plan (2013).

5. I read that the appellant's architect originally advised him that the development was acceptable under permitted development rights. I read that the reason given for removing those rights by condition 7 imposed on the 1988 permission for the erection of the house was to restrict the amount of site coverage by buildings. Since the appeal proposal would not increase site coverage the appellant argues that it complies with the objectives of the condition.
6. No matter why condition 7 was originally imposed, permission for the appeal proposal is now required and I must determine the appeal on its own merits. The current General Permitted Development Order allows alterations to the roof of a dwellinghouse provided, among other restrictions, that no part of the house would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. In this context, it might be argued that the roof slope on which the dormer would sit does not form the appeal property's principal elevation, and therefore that, were it not for condition 7, the proposed dormer would have been permitted development. It is nevertheless the case that the impact of the dormer on the Lavender Gardens street scene is similar to what it would have been if the Lavender Gardens elevation had been designated as the principal elevation. This reinforces my view that the Council were justified in refusing the application for its visual impact even though the condition taking away development rights was imposed for a different reason.
7. I am aware of other dormer extensions in the surrounding area but I saw none that closely resembled the appeal proposal, which must be assessed in terms of its visual impact on Lavender Grove. I am also aware that none of the houses on Lavender Gardens look directly towards the appeal property but the dormer would be (and is) a prominent feature when seen from the street itself, and would be a significant part of that street's perceived character. Finally, although I am sympathetic to the appellant's circumstances, these do not outweigh the duty to determine the appeal on its planning merits.

George Arrowsmith

INSPECTOR