The Planning Inspectorate

Appeal Decision

Site visit made on 21 March 2017

by B Bowker Mplan MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/M5450/W/16/3160084
37 Glanleam Road, Stanmore, HA7 4NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Arunkumar Pindoria against the decision of the Council of the London Borough of Harrow.
- The application Ref P/2495/16, dated 17 May 2016, was refused by notice dated 13 July 2016.
- The application sought planning permission for redevelopment to provide a two storey dwelling with habitable roofspace; parking, landscaping and bin storage without complying with a condition attached to planning permission Ref P/0900/16, dated 26 February 2016.
- The condition in dispute is No 2 which states that:
  Saved where varied by other planning conditions comprising this permission, the development hereby permitted shall be carried out in accordance with the following approved plans: 15039 P 01 00-Design and Access Statement; 15039 P 01.01; 15039 P 01.02; 15039 P 01.03 Rev A; 15039 P 01.04 Rev B.
- The reason given for the condition is:
  For the avoidance of doubt and in the interests of proper planning.

Decision

1. The appeal is allowed and planning permission is granted for redevelopment to provide a two storey dwelling with habitable roofspace; parking, landscaping and bin storage, at 37 Glanleam Road, Stanmore, HA7 4NW, in accordance with the application Ref P/2495/16, dated 17 May 2016, without compliance with condition No 2 previously imposed on planning permission Ref P/0900/16, dated 26 February 2016, but subject to the attached schedule of conditions.

Background

2. The appeal is made under Section 73 of the Planning Act and seeks to replace plans approved by the original permission with plans that reflect an amended design. Based on the Council's reason for refusal, the main issue is as outlined below.

Main Issue

3. The main issue is the effect of the amendments on the character and appearance of the surrounding area.

Reasons

4. Glanleam Road is a residential area characterised by large detached dwellings of varying styles that are set in large plots. Owing to the sizes of front gardens, roadside verges and gaps between dwellings, the area has a spacious and verdant character. The proposal would increase the depth of the eastern side of the property to provide enlarged bedrooms at ground and first floor level.

5. The front of the dwelling, including the gable feature, would not increase in either height or width and thus the change to the bulk and massing of the overall dwelling would be modest. The eastern corner of the dwelling would remain set back from the front building line and gable feature and thus would ensure a subordinate and articulated appearance when viewed from the surrounding area. Taking into account the modest scale of the proposal and the gap between the dwelling and No 39, the spacious character of the surrounding area would not be harmed. In addition, views of the amendment next to the roof at No 39 would not differ significantly to that in the originally approved design.

6. In reaching the above view, I have taken into account two previous appeals[1] that were dismissed for residential development at the site. However the determinative matter in the previous appeals related to the contemporary design and materials proposed; a matter of concern not expressed in relation to the proposal before me.

7. Therefore, the amendments would not have a harmful effect on the character and appearance of the surrounding area. Consequently, the proposal would meet the requirements of Core Strategy Policy CS1 (B), Policy DM1 of the Development Management Policies Local Plan, and policies 7.4B and 7.6B of the London Plan. Combined, these policies require development to achieve a high standard of design and layout that responds positively to local character and appearance. It follows that the proposal would also meet the requirements of paragraph 4.35 of the Residential Design Guide Supplementary Planning Document which states that development should be of a high standard design that does not harm the site and setting.

Other matters

8. Concern is raised regarding the effect of the proposal on the living conditions of neighbours at No 39, with reference to day/sunlight. However, I have no reason to disagree with the Council's assessment on this matter. Moreover, based on the modest differences between the amendment and previously approved drawings, the proposal would not have a harmful effect in this respect.

Conclusion

9. The Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Whilst I saw that construction works have commenced on site, I have no information before me about the status of the other conditions imposed on the original planning permissions. Consequently, I shall impose all

[1] APP/M5450/A/13/2195540 and APP/M5450/A/13/2200109

those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

10. For the reasons given above I conclude that the appeal should succeed. As a result I will vary the planning permission by replacing the disputed condition.

B Bowker

INSPECTOR

Attached – Schedule of conditions

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. Saved where varied by other planning conditions comprising this permission, the development hereby permitted shall be carried out in accordance with the following approved plans: 15039 P 01.03 Rev A, 15039 P 01.04 Rev A.

3. The construction of the dwellinghouse hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of
   a) the new dwelling
   b) the ground surfacing
   have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

4. The dwellinghouse hereby permitted shall not be occupied until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities. Hard landscaping works shall include details of boundary treatment. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

5. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the occupation of the approved dwelling, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

6. The development hereby permitted shall not be commenced until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these details and shall thereafter be retained.

7. The development hereby permitted shall not be commenced until works for the disposal of surface water and surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these details and shall thereafter be retained.

8. The development hereby permitted shall not be commenced until a Flood Risk Assessment (FRA) and flood mitigation measures are submitted to and approved in writing by the local planning authority. The applicant should ensure that the structure is designed to mitigate the effects of any possible flooding on site or elsewhere and include resistance and resilience to flooding. The development shall be carried out and completed in accordance with the approved details.

9. No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

10. Site works in connection with the development of the new dwellinghouse hereby permitted shall not commence before the boundary of the site is enclosed by a close boarded or other security fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

11. The glazing in the flank walls and the rooflights in the side roof slopes of the approved development shall:
    a) be of purpose-made obscure glass,
    b) be permanently fixed closed below a height of 1.7 metres above finished floor level,
    and shall thereafter be retained in that form.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows/doors other than those shown on the approved plans shall be installed in the flank walls of the dwellinghouse hereby permitted without the prior permission in writing of the local planning authority.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, D, and F in Part 1 of Schedule 2 to that Order shall be carried out in relation to the dwellinghouse hereby permitted without the prior written permission of the local planning authority.

14. The flat roof area of the single storey rear projection hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.