

Appeal Decision

Site visit made on 3 May 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/M5450/D/17/3169909

22 Dalkeith Grove, Stanmore HA7 4SG

- 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 P Virdee against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5386/16, dated 15 November 2016, was refused by notice dated 10 January 2017.
 - The development proposed is described as the erection of a part double storey/part single storey front, side and rear extension, roof extension following front, rear and side roof lights and rear dormer.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's grounds of appeal include images of a scheme which has a front gable feature. However, this feature does not appear on the drawings which were assessed by the Council and it is these plans which have been used to determine this appeal.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the streetscene and (b) the living conditions of the occupiers of 24 Dalkeith Grove.

Reasons

Character and Appearance

4. The appeal property is a detached dwelling situated within a predominantly residential area. By reason of the properties being set back from the road, the landscaped front and rear gardens and predominance of gaps between dwellings, the streetscene has a spacious appearance. This appearance is accentuated by the open character of the recreation ground on the opposite side of the road to the property.
 5. The proposed development comprises various extensions to the property including some which would not be visible from the road. However, the appeal
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scheme includes a 2-storey side extension which would be visible from the road. This extension would replace a single storey garage with a cat slide roof and would result in the loss of the existing gap between the existing single storey flank wall and the shared boundary with No. 20.

6. The lack of the proposed extension's 2-storey side elevation being set back from the shared boundary would conflict with the guidance contained in the Council's Supplementary Planning Document: *Residential Design Guide* (SPD). The loss of the gap combined with the increase in the bulk of the property would be detrimental to the spacious streetscene along this part of the road. The resulting dwelling would appear cramped on its plot and this unacceptable harm would significantly and demonstrably outweigh the lack of harm associated with the other elements of the appeal scheme. Although the lack of gaps between some dwellings was noted during the site visit, including those identified by the appellant, these do not assist the appellant's case because of their detrimental effect on the character and appearance of the streetscene.
7. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with Policies 7.4 and 7.6 of The London Plan (LP), Policy CS1 of the Core Strategy (CS), Policy DM 1 of the Harrow Development Management Policies Local Plan (DM) and the general guidance contained in the SPD. Amongst other matters these policies require development to be of high quality design which is not detrimental to local character and appearance and for extensions to respect their host buildings. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of securing high quality design.

Living Conditions

8. The Planning Officer's report refers to SPD paragraph 4.71 concerning the definition of a protected window. However, this paragraph is within the section concerning new residential development rather than householder development. The equivalent householder development reference is SPD paragraph 6.26.
9. A part single/part 2-storey extension is proposed to the rear of the property and its side elevation would be sited adjacent to the shared boundary with 24 Dalkeith Grove. Although extended, the kitchen window of No. 24 remains within this property's original rear elevation. By reason of size, the Council claims this opening should be treated as a protected window for the purposes of the SPD to assess the effect of an extension on the occupiers neighbouring buildings. Both the single storey and 2-storey elements of the proposed side extension would encroach into a line drawn at 45° from the nearest corner of No. 24 and this encroachment would conflict with the SPD's guidance.
10. The appellant has not challenged the Council's assessment concerning the kitchen window's status as a protected window but has highlighted the greater effect on outlook and levels of daylight on this opening associated with the single storey extension to the rear of No. 24. However, this does not significantly assist the appellant's case because of the effects the extension already has on the protected window.
11. Further, the appellant has identified that an extension in a similar location to the proposed extension could be erected as permitted development. A single

storey extension might be capable of being erected from the rear of the appeal property and may well encroach into the 45° line. However, there is no specific proposal or evidence available to me to confirm that a 2-storey extension could be erected with a similar relationship to the shared boundary.

12. Based upon what could be observed during the site visit, including noting the difference in ground level and orientation of the properties, I share the Council's concerns. By reason of its height and siting, the 2-storey element of the proposed side extension would project significantly above the existing boundary fence and would adversely affect the outlook of the occupiers of No. 24 from their protected window. There could also be some modest effect on the level of daylight reaching the protected window but, on its own, this would not be a reason for this appeal to fail but it does add to my concerns. This assessment has been reached with the knowledge that the occupiers of No. 24 did not object to the appeal scheme but I am mindful that others may occupy this neighbouring property in the future.
13. Accordingly, on this matter, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 24 Dalkeith Grove and, as such, it would conflict with LP Policy 7.6, DM Policy DM 1 and the general guidance contained in the SPD. Amongst other matters these policies require development not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly to residential buildings. These policies are consistent with the Framework's core principle of securing a good standard of amenity for all existing and future occupiers of land and buildings.
14. Accordingly, for the reasons given, and taking into account all other matters, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR