
Appeal Decision

Site visit made on 9 May 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/M5450/D/17/3169457

26 Chandos Crescent, Edgware, Harrow HA8 6HL

- 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 Daniel Hij against the decision of the London Borough of Harrow Council.
 - The application Ref P/3870/16, dated 9 August 2016, was refused by notice dated 9 December 2016.
 - The development proposed is for a double storey side extension, single storey rear extension, front porch, outbuilding and boundary treatment.
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Decision

1. The appeal is allowed and planning permission is granted for a double storey side extension, single storey rear extension, front porch, outbuilding and boundary treatment at 26 Chandos Crescent, Edgware, Harrow HA8 6HL, in accordance with the terms of the application Ref P/3870/16, dated 9 August 2016 subject to the following conditions:
 1. The development hereby permitted shall be carried out in complete accordance with the approved plans: 15/2925/14D, 15/2925/15C, 15/2925/17 and 15/2925/18.

Procedural Matter

2. There are a number of elements to the proposal and these include a two storey side extension, a single storey rear extension, a front porch extension and erection of boundary treatments. At the time of my site visit the proposal was substantially complete with the exception of the reduction of the boundary treatment to the front and side of the driveway area. The proposal also includes the erection of an outbuilding at the rear of the garden, although this does not centre within the Council's reasons for refusal. I have determined the appeal on this basis and deal with each element of the proposal in turn.

Main Issues

3. The main issues in this case are the effect of the appeal proposal on the character and appearance of the area; and the effect upon the living conditions of 28 Chandos Crescent, with specific reference to outlook and light.

Reasons

Character and Appearance

4. The site is situated at the junction of Chandos Crescent with Metheun Road with the former street largely comprising semi-detached two storey houses.
5. The dwelling has been the subject of a hip-to-gable roof extension, as well as a dormer being constructed to the rear elevation, these were built pursuant to a Lawful Development Certificate (Ref. P/3381/15).
6. In addition, a two storey side and single storey rear extension, pursuant to Ref. P/4454/15 was permitted by the Council in December 2015, although this was not implemented. This showed the roof extending from the original hipped roof of the main dwelling, whereas the proposal before me shows this built up against the gable end which has since been constructed. The set-back from the front elevation was 200mm greater than that which is currently before me. In addition, the depth of the single storey rear element of that proposal was 4.5m compared with 5m as built. Overall however, I consider that these changes are not materially different and, consequently the planning history bears significant weight in the determination of this appeal.
7. I note that the Council's Supplementary Planning Document Residential Design Guide (2010) (SPD) states in paragraph 6.46 that the minimum requirements are a set back of the first floor front wall by at least 1m behind the adjacent front corner of the front elevation, and a subordinate pitched roof. I acknowledge that the set back on the plans before me is 200mm less, but nonetheless combined with the lower ridge line the proposal gives the two storey side extension an appearance of subservience to the host dwelling. I accept that it is slightly wider than the previous approval, but nonetheless in terms of its overall scale, I consider that it fulfils the general spirit of the SPD which ultimately seeks to protect the character and appearance of the area. I also note that paragraph 6.57 of the SPD states that where a property has been extended by the conversion of a hipped to a gabled roof, a further side extension is inappropriate, with it stating that such developments are incompatible with the design, character, bulk and appearance of the locality. However, the hipped roof form of the two storey side extension would to some degree reinstate the original balance of the pair of semi-detached dwellings.
8. I also note from the planning history submitted with the appeal, that a Lawful Development Certificate was issued under Reference P/4203/15 for the construction of a 6m deep single storey rear extension across the width of the original rear elevation and the erection of a front porch. This also weighs heavily as a material consideration in the determination of this appeal and whilst I accept that the north eastern end of the single storey extension which has been built, is 0.5m deeper than that previously approved by planning permission P/4454/15, the remainder, which extends right up to the boundary with 28 Chandos Crescent is 1m less in depth.
9. SPD paragraph 6.59 states that where all other relevant permitted development criteria are met, single storey rear extensions of 3m of a semi-detached house may not need planning permission. This quite clearly precedes the changes to the permitted development rights under the Prior Approval process and, whilst I note that it sets out that where planning permission is

required, the acceptable depth of extensions will be determined by the need for consistency with permitted development and other considerations, it does not stipulate a specific depth as being acceptable or otherwise on such a dwelling.

10. Whilst I acknowledge that by virtue of its overall width and depth the rear extension is quite substantial in scale, nonetheless, I cannot ignore the fall-back position which in reality would allow the appellant to construct an even deeper extension for approximately two thirds of its width (where built off of the rear elevation of the original dwellinghouse). I can therefore only give the SPD limited weight in this respect, particularly where the Council acknowledges that the previous permissions when combined would result in a single storey rear extension with similar dimensions to the subject extension.
11. With regard to the front porch, one of the aforementioned Certificate of Lawfulness' acknowledged that a porch 3m wide by 1m deep would be permitted development, the proposal before me shows this increased in both width and depth, although only to a marginal degree. Whilst the roof form is different, overall the impact upon the character and appearance of the original front elevation of the dwelling would not be materially so. The SPD in paragraph 6.35 states that small front porches may be permitted provided they reflect and complement the scale, design, quality and pattern of development in the surrounding street scene, relate to and complement the existing architectural design and materials of the existing building and do not project significantly forward of front bay windows. Whilst I agree that front extensions can potentially have the greatest potential impact on the character of a street scene, and that the subject porch projects 1.2m beyond the front elevation of the original dwellinghouse, I find that it is not excessively deep, wide or high and would not be obtrusive in the street scene.
12. Finally, turning to the boundary treatments, I note that a red brick low wall has been erected with piers rising above a similar height again, in-filled by horizontal grey painted timber slats. This is a relatively unique feature within the street scene, but nonetheless does largely form the boundary treatment to the rear garden of the host dwelling and the starkness of the materials employed would weather over time.
13. I acknowledge that the length of the boundary treatment does accentuate its physical presence within the street scene, although the amendments proposed to reduce the height of the boundary treatment where enclosing the front driveway would reduce this and be an improvement upon the current impact that it has upon the street scene. These amendments would go some way to alleviate the concerns raised by the SPD which in paragraph 4.44 states that obtrusive boundary treatment such as high railings and gates can have a negative impact in the street scene by conveying a sense of severance and defensiveness. I also note that the steel sliding gate is also omitted from the proposal and this can only benefit the overall character and appearance of the appeal site. However, paragraph 4.45 of the SPD, whilst making reference to the permitted development right limits of boundary treatments being no greater than 1m adjacent to a highway and 2m elsewhere, it states that these heights will be appropriate in most suburban situations except where, for example, the return frontages of a corner property are enclosed up to a height of 2m.

14. The appellant has provided a photograph of the previous enclosure of the appeal site where along Methuen Road which constitutes high close-boarded fencing. Whilst the new boundary treatment is different in its overall appearance, the principle of having boundary treatment of such a height is already established and it is quite reasonable to expect the occupants of the appeal property to maintain a degree of privacy within their rear amenity space. Whilst I note that the properties in Chandos Crescent are characterised by low boundary treatments, or in some cases a lack of boundary treatment entirely, this tends to be across the front boundaries. Reference is made to previous hedges on the appeal site, although the Council has not provided any evidence to substantiate this.
15. On this issue, taking into account the amendments proposed to the front boundary treatment, and having regard to the planning history of the site I find that the proposal would respect the host building.
16. Consequently, I consider that the proposal would not give rise to material harm to the character and appearance of the area and complies with Policies 7.4B and 7.6 of the London Plan (2016), Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013) which require high quality design responses that have regard to the pattern and grain of existing spaces and streets, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, comprise details and materials that complement, not necessarily replicate, the local architectural character and require extensions to respect their host building.

Living Conditions

17. As noted above, the previous issue of a Certificate of Lawfulness permitted the erection of a 6m deep extension along the boundary shared with no 28. Whilst this may be in excess of the guidance set out within the SPD it cannot be ignored. The Council have not substantiated how it would give rise to an unreasonable level of overshadowing, loss of light or outlook from the rear elevations of the neighbouring property and the windows to habitable rooms on that elevation. I give the fall-back position significant weight and having regard to the fact that a deeper extension could in reality be constructed to this boundary, I consider that the proposal before me would have a lesser impact upon the living conditions of the occupants of no28. Consequently, I find that the single storey rear extension would not give rise a material loss of outlook or light and, bearing in mind its orientation due north east of that property and its single storey nature, any overshadowing that would ensue would be very limited.
18. On this matter I find that the proposal complies with Policies 7.6B of the London Plan (2016) and HDMP Policy DM1 which require buildings to be human in scale and require proposals to achieve a high standard of amenity which includes having regard to the visual impact of development and the adequacy of light and outlook from within buildings and outdoor spaces.

Conclusion and Conditions

19. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

20. The Council has suggested a condition be imposed which requires the development to be carried out in accordance with the approved plans and I find this to be both necessary and reasonable.

C J Tivey

INSPECTOR