
Appeal Decision

Site visit made on 16 May 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 8th June 2017

Appeal Ref: APP/M5450/W/17/3168088
68 Malvern Gardens, Harrow HA3 9PG

- 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 Mike Cann against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4951/16, dated 19 October 2016, was refused by notice dated 14 December 2016.
 - The development proposed is described as "rear single storey extension to ground floor flat, staggered rear line to keep within 45 degrees from neighbours window. Flat roof with rooflights. Internal alterations to make 3 person occupancy 2 bedroom and alterations to bathroom and living/kitchen to provide easier access."
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 68 Malvern Gardens, Harrow HA3 9PG in accordance with the terms of the application, Ref P/4951/16, dated 19 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: MAP/C2852/010 Rev B and MAP/C2848/011 Rev E.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area at any time.

Procedural Matter

2. The description of development within the heading above is taken from the application form. Section E of the appeal form provides a revised description which reflects that shown on the Council's decision notice. Though Section E indicates this change was not agreed, I find it a more succinct and accurate reflection of the appeal proposal. I have therefore used the revised description in the decision above.
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Main Issue

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

Reasons

4. The appeal relates to a two-storey, terraced property which has been converted into two flats. The property has a dormer window to the rear roof slope and a single storey rear off-shoot which is paired with that of 66 Malvern Gardens. It forms part of a terrace of similarly designed properties. The adjacent property, No 70, has a large rear extension although it is unauthorised and the Council indicates that there are ongoing enforcement proceedings. Nevertheless, notwithstanding No 70, there is a wide and varying range in the quantity, design, scale and massing of extensions within the area.
5. The Council considers the proposal would conflict with the guidance for rear extensions set out in paragraph 6.59 of the Residential Design Guide Supplementary Planning Document 2010 (SPD). However, the reference to 3m within paragraph 6.59 of the SPD is in reference to extensions which do not require permission. In context, it states that, where planning permission is required, the acceptable depth of extensions will be determined by the need for consistency with permitted development and, amongst other things, site considerations, the scale of development and the character of the area.
6. The proposed extension would have a depth of around 5.5m. I note this would be a significant proportion of the overall depth of the property, which is around 7m. However, the extension would nevertheless be single storey with a height of around 3m and around 81% of the existing rear garden would be retained. It would, in my view, appear as a subservient addition. Moreover, the rear extension would not be visible from Malvern Gardens nor would there be any widely perceptible viewpoints within the public realm to the rear. As a result, the extension would not appear as a disproportionate or incongruous addition to the property or indeed the terrace as a whole.
7. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area. It would accord with the high quality design and architecture aims of Policies 7.4B and 7.6B of the London Plan¹. It would also accord with Policy CS1.B of the Harrow Core Strategy 2012 and Policy DM1 of the Harrow Development Management Policies Local Plan 2013 which seek to resist proposals which harm the character of suburban areas and encourage schemes which achieve a high standard of design. Finally, it would accord with the guidance set out in the SPD and the design aims of the National Planning Policy Framework (the Framework).

Other Matters

8. The Council indicates that, in the event the extension at No 70 is removed, the proposal would have a harmful effect on the living conditions of those neighbours with regard to light and outlook. However, I have dealt with the appeal on the basis of the circumstances as exist at the time of my decision and there is no firm evidence before to confirm that the extension is to be

¹ The London Plan: The Spatial Development Strategy for Greater London Consolidated with Alterations since 2011, March 2016

removed nor a timescale for such. As such, I afford the Council's concerns limited weight.

Conditions

9. In addition to the standard time limit condition, I consider a condition relating to the approved plans necessary to provide certainty and a condition relating to matching materials necessary to protect the character and appearance of the area. In addition, a condition preventing the use of the roof of the extension as a balcony or roof terrace is necessary to prevent harm to the living conditions of neighbours.
10. Paragraph 204 of the Framework is clear that conditions should not be used to restrict permitted development rights unless there is clear justification for doing so. In the absence of any detailed justification from the Council, I do not consider a condition to restrict the installation of windows or doors is necessary.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR