
Appeal Decision

Site visit made on 16 May 2017

by Oliver Blower MA (T&CP)

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 14 June 2017

Appeal Ref: APP/M5450/D/17/3172211

60 The Highway, Stanmore HA7 3PN

- 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 J Sengupta against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5303/16, dated 11 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is described as "single storey rear extension + internal alterations".
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and internal alterations at 60 The Highway, Stanmore HA7 3PN in accordance with the terms of the application, Ref P/5303/16, dated 11 November 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16/053_S0, 16/053_S1, 16/053_S2, 16/053_S3, 16/053_P1, 16/053_P2, 16/053_P3 and 16/053_P4.
 - 3) The materials used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the host building and immediate area.

Reasons

3. The appeal site is a two storey semi-detached house with brick and rendered elevations and a tiled hipped roof. It has an existing single storey flat roof extension to the rear. Houses on the appeal side of the street have long

rear gardens that rise sharply from west to east. The area is suburban in character and appearance.

4. Permission was granted by the council on 16 November 2016 (reference P/3451/16) for excavation works and a new retaining wall at the rear of the house to create a terraced area. I observed at my site visit that the works have commenced, the excavation is largely complete and the retaining wall has been built.
5. The proposal seeks, in part, a single storey extension approximately 4m deep with a grass covered flat roof, which would be located at the far end of the excavated terraced area. It would be linked to the house by a narrower single storey flat-roofed extension on the northern boundary of the site, leaving a courtyard area between the new and existing extensions.
6. The rear of the appeal site is not readily visible from the public realm and is broadly limited to views from neighbouring sites at No 62 and 58, and from the appeal site itself. Where there are views, they are of the monolithic retaining wall – which has a decidedly forbidding and oppressive appearance.
7. Due to the steep slope of the adjacent gardens, a substantial proportion of the proposed development would be below adjacent ground level. Those elevations that would be visible to neighbouring occupiers would be punctuated by windows and other features of a domestic appearance, far more in keeping with the suburban character of the house and area than the large blank retaining wall they would disguise.
8. Due to a substantial portion of the development being below neighbouring ground level, the size and bulk of the extension would be mostly hidden from view, so that it would have very little effect on the apparent openness of the rear garden. Moreover, due to its sunken position and the unusual topography of the site, it would not appear overly large in relation to the original house, notwithstanding that the footprint of all existing and proposed extensions may be greater than that of the original house. I note that the appellant proposes to finish the flat roof of the rear-most structure with grass, which would blend in with the grass of the garden at the same level, further masking the scale of the development and minimising any residual effect on perceived openness.
9. Although the extension would have a glass balustrade at roof level, which may somewhat diminish the openness of the garden, some form of guardrail is likely to be required at the top of the existing retaining wall given its height. Thus, in comparison to this likely fallback position, the glass balustrade would cause very little harm in this regard.
10. Consequently, I conclude that the proposed development would not cause unacceptable harm to the character or appearance of the host building or the immediate area.
11. The proposed development is therefore broadly in accordance with policy CS1.B of the Harrow Core Strategy which seeks to ensure, amongst other things, that proposals that would harm the character of suburban areas will be resisted, and that extensions should respect their host building.

12. The proposed development is also in accordance with policy DM1 of the Harrow Council Development Management Policies Local Plan which seeks to ensure, amongst other things, that developments achieve a high standard of design and layout, with particular regard to the massing, bulk, scale and height of proposed buildings in relation to their location and surroundings.
13. The proposed development is also in accordance with the thrust of policies 7.4B and 7.6B of the London Plan which seek, amongst other things, that development has regard to the pattern and grain of existing spaces in terms of scale, proportion and mass; contribute to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; and integrates well with open spaces.
14. The proposed development is also in broad accordance with guidance contained in the Council's Residential Design Guidance Supplementary Planning Document which seeks, amongst other things, that rear extensions should be designed to respect the character and scale of the original house and garden; and that extensions should maintain an adequate garden area to allow practical use and reflect the established character of the locality.
15. I note that concerns have been raised in regards to loss of light, outlook, overlooking and noise. In my judgment, however, the height and bulk of the proposal would be mitigated by its relationship with the steep incline of the adjacent gardens and boundary fence, so as not to cause a significant loss of light or outlook to neighbouring occupiers. The rear windows of the proposal would be a sufficient distance away from those of neighbouring homes so as not to lead to unacceptable levels of overlooking. Moreover, the proposal would not lead to a significant increase in noise or disturbance above levels that could be reasonably expected from the existing use of the garden and terrace. Thus the proposal would not cause unacceptable harm to the living conditions of neighbouring occupiers.
16. Concerns have also been raised with regards to the effect of the excavation works, the process by which the Council granted planning permission, and the absence of party wall agreements. Although noted, these concerns fall outside the scope of this appeal.

Conclusion

17. Consequently, for the reasons stated above, I conclude that the appeal should succeed subject to the standard implementation condition, a condition requiring compliance with the approved plans, and a condition requiring the use of matching materials, in the interests of good planning and the character and appearance of the area.

O Blower

Appointed Person