
Appeal Decision

Site visit made on 20 June 2017

by Janet Wilson BA (Hons) BTP MRTPI DMS

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

Decision date: 18th June 2017

Appeal Ref: APP/M5450/D/17/3172678
10 Georgian Close, Stanmore HA7 3QT

- 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 A Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5531/16, dated 25 November 2016, was refused by notice dated 6 March 2017.
 - The development proposed is the erection of a pergola.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a pergola at 10 Georgian Close, Stanmore HA7 3QT in accordance with the terms of the application, Ref P/5531/16, dated 25 November 2016, and the plans submitted with it.

Procedural Matter

2. The development proposed has been completed. I have therefore dealt with the appeal on the basis that it seeks retrospective permission for the pergola.

Main Issues

3. The main issues are the effect of the pergola on the character and appearance of the area and on the living conditions of the occupiers of the adjacent property.

Reasons

4. The pergola is attached to a property set in a residential development. It is formed from a metal frame with adjustable roof slats and two vertical supports all finished in dark grey aluminium. This material closely reflects the window frames on the host property and on adjacent houses. To the rear is the golf course which is screened from the properties by substantial planting such that only the upper floors are visible from the golf course.
5. The neighbour indicates that the roof of the pergola has an industrial feel to it and is an eyesore; that it is not a typical English garden structure and from the neighbouring balcony the grey metal roof is out of character and obtrusive.
6. The size of the pergola is large; however its prominence is limited to the garden of the appeal site and to elements which can be seen from neighbouring properties above the existing boundary fence and from the balcony of the

adjacent property. In this context the pergola has limited effect on the appearance of the site and similarly on the wider area and I do not find that it has an unacceptable effect on the character and appearance of the site or its wider surroundings.

7. Turning to the issue of living conditions the boundary fence with No 9a Georgian Close (No 9a) is stepped in height. The pergola projects a modest amount above the existing fence. The amount which can be seen varies from between 0.2 and 0.5 metres. This has resulted in a visual change from the neighbouring property to that which previously existed but this does not, in itself, make it unacceptable. Whilst the proposal does conflict with the Councils Supplementary Planning Document Residential Design Guide (SPD) in that it projects further than 4 metres, the last metre or so of the pergola projects above the fence line by approximately 0.2 metres. In this context it does not have a significant enclosing or shading effect on the neighbouring property or cause undue harm to the living conditions of the occupants and does not offer a basis on which to resist the scheme.
8. For the above reasons the pergola does not therefore harm the character and appearance of the surrounding area or the living conditions of the occupants of the neighbouring property. As such it accords with Policies 7.4B and 7.6B of The London Plan and Policy CS1.B of the Harrow Core Strategy (2012); Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the SPD. These policies and guidance, amongst other things, seek to ensure that developments are of high quality design and seek to protect amenity between properties.

Other matters

9. Both the Council and the neighbour point out that the size of the pergola exceeds the permitted development dimensions. The appellant has not disagreed, but has stressed an extension could be constructed as permitted development. He considers that the additional metre does not represent a material difference to the effect on the neighbouring property to that which could benefit from deemed planning permission particularly given the limited amount which is visible from the neighbouring property. However notwithstanding these points I am required to assess the application as made (and as now built) and have come to my judgement on the basis of the evidence before me.

Conclusion

10. In light of the above the proposed development does not harm the character or appearance of the area or the living conditions of the occupiers of the adjacent property with respect to outlook and the impact on living conditions. Thus the appeal succeeds and planning permission is granted. Given the structure has been completed it is not necessary for conditions to be imposed.

Janet Wilson

INSPECTOR