
Appeal Decision

Site visit made on 11 July 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 20 July 2017

Appeal Ref: APP/M5450/W/17/3174531
94 Hindes Road, Harrow, London HA1 1RP

- 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 Hassan Rahim against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0565/17, dated 26 October 2016, was refused by notice dated 28 March 2017.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the living conditions of the occupiers of 94 Hindes Road, with particular regard to outlook; the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook and visual impact, and; the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Living conditions

3. The appeal site is a ground floor flat which is located within the two storey property at 94 Hindes Road. At the rear of the property is a two storey brick outrigger with a flat roof, and beyond that is a small single storey extension. The proposal would create a further single storey extension which would effectively infill the L-shape formed by the main building and the existing rear projections. The Council does not object to the principle of a rear extension at the appeal property, and I agree with that position.
4. The room marked Bedroom 2 on the proposed plans is currently served by French windows which open out into the garden area. The proposed extension would result in this opening being blocked, and a new window being created for this room in the side elevation. This would lead to a highly unsatisfactory outlook towards the side elevation of the neighbouring building to the east at very close proximity. A rooflight would be installed which would provide some natural light to the room. However, the significant loss of outlook would lead to a materially harmful and oppressive sense of enclosure for those using the bedroom.

5. The appellant contends that Bedroom 2 would be used as a spare bedroom. Whilst that may be the case, it cannot outweigh the duty to assess development proposals against the National Planning Policy Framework (NPPF) requirement to seek to secure a good standard of amenity for all future occupants of land and buildings, as well as for existing occupants. I accept that the remainder of the flat would enjoy good levels of outlook, and that compromises are sometimes necessary to achieve developments, but these circumstances would not justify the harm I have identified.
6. I therefore conclude that the proposal would unacceptably fail to provide satisfactory living conditions for occupiers of the appeal site. This would be contrary to Policy DM 1 of the Harrow Council Development Management Policies (DMP, 2013), which amongst other things, seeks to ensure adequate outlook within habitable rooms.
7. The Council also raises concerns with regard to the outlook of the occupants of the first floor flat at 94A Hindes Road, which is immediately above the appeal site. At present, the rear windows of 94A look out directly over the garden. The proposal would undoubtedly introduce a new built element at close quarters which would reduce the visual connection with the garden to a degree.
8. However, the ridge of the new roof would be set down from the cills of the first floor windows, and the roof slopes would help to lessen its visual impact. Overall, the longer views of the occupants towards the south would be maintained. Whilst there might be some increased sense of enclosure as a result of the development, it would not, in my view, be so harmful in itself as to warrant the withholding of planning permission.

Character and appearance

9. The Council's document entitled 'Supplementary Planning Document: Residential Design Guide' (SPD, December 2010) sets out design principles for extensions. Whilst the SPD does not set a numerical limit on the depth of proposed single storey extensions, it advises that they should harmonise with the scale and architectural style of the original building and the character of the area. Extensions should have a sense of proportion in relationship to the original building, and should not dominate it.
10. The proposed extension would be a substantial addition to the volume and footprint of the flat. It would wrap around the two storey outrigger and would span a significant proportion of the rear elevation of the main building. The large scale extension would thus dominate the modest proportions of the original property. The asymmetrical pitched roof would further be at odds with the roof forms No 94 and its neighbours, which are characterised by symmetrical pitched roofs.
11. As a result, the scale, width and roof design of the proposed rear extension would together create a prominent feature that would appear out of place in its context. I acknowledge that the extension would not be readily visible from the street. However, it would clearly be visible from the rear gardens of the neighbouring properties. For these reasons, the rear extension would detract from the established character of the area. Moreover, the SPD principles specifically address the design of rear extensions, many of which will inevitably be hidden from public view.

12. I therefore conclude that the proposal would unacceptably fail to preserve the character and appearance of the surrounding area. It would thus conflict with Policy CS 1 of the Harrow Core Strategy (2012), insofar as it requires that extensions should respect their host building, and DMP Policy DM1, insofar as it seeks a high standard of design and layout. It would also conflict with Policy 7.4 of the London Plan (LP, March 2016), insofar as it requires development to have regard to the scale and mass of surrounding buildings, and LP Policy 7.6, insofar as it seeks that design should be appropriate to its context.
13. The appellant states that off-set, dual-pitched roof forms are an architectural style common to projections on Victorian properties. However, in this case, the flat-roofed outriggers appear to be the original form of rear extension along the terrace. There is no evidence that asymmetrical roof forms are characteristic of the immediate area, and so I can give little weight to this assertion.
14. I have been referred to the sizeable extension at No 92, which I saw on my visit. However, the Council states that this development does not have planning permission, and I do not have any evidence to the contrary. In any case, the extension is out of keeping with the character and scale of the terrace, and serves to demonstrate the harm that arises from unsympathetic development. Its presence therefore does not justify the allowing of the appeal proposal in this instance. I am also mindful of the GPDO amendments in relation to home extensions of up to 6m beyond the original wall, and up to 4m in height, in the case of terraced dwellinghouses. However, this has not led me to a different conclusion on the merits of the scheme before me.

Other Matters

15. I accept that the internal layout of No 94 is unsatisfactory. However, this matter could be addressed independently of the appeal scheme. Whilst I acknowledge that the proposal reflects the appellant's wishes in terms of how they would utilise the property, this personal circumstance would not outweigh the harm I have identified.
16. My attention has been drawn to paragraph 9 of the NPPF, which seeks positive improvements through sustainable development. However, as I have found that the proposal would be harmful on the grounds set out above, I consider that it would fall short of the aims of paragraph 9. I accept that the living conditions of neighbours at 92 and 96 Hindes Road would not be adversely affected. However, this circumstance has not altered my conclusion on the main issues of the case.

Conclusion

17. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR