
Appeal Decision

Site visit made on 30 May 2017

by L J O'Brien BA (Hons) MA

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

Decision date: 04 August 2017

Appeal Ref: APP/M5450/D/17/3168704
51 Hillbury Avenue, London, HA3 8EP

- 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 Dilip Madlani against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2766/16, dated 7 June 2016, was refused by notice dated 11 November 2016.
 - The development proposed is described as "Enlargement of roof and extension to rear dormer, first floor rear extension (reduction of side dormer)".
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Preliminary Matter

1. The description of development differs between the application and appeal form. I have taken the description from the appeal form as it best describes the proposal before me.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the host dwelling and the wider area, and
 - The effect of the proposal on the living conditions of the occupiers of No. 53 Hillbury Avenue with particular regard to light and outlook.

Reasons

4. The appeal property, No. 51 Hillbury Avenue, is a two-storey semi-detached dwelling. Hillbury Avenue is a fairly long straight road characterised by similar semi-detached dwellings with a broadly similar character and appearance. A number seem to have been altered or extended over time.
5. The dwelling appears to have been previously extended in a number of ways; including a single-storey rear extension, a rear conservatory, a two-storey side extension and rear and side dormer windows.

Character and appearance

6. The proposed development includes, amongst other things, the enlargement of the roof above the existing two-storey side extension, a first-floor rear extension, and a larger replacement rear dormer window.
7. The proposed roof enlargements would add substantial bulk above the existing two-storey side extension. The corresponding increase in ridge height would be only marginally lower than the height of the main roof, eroding its subservient appearance.
8. Whilst the existing side dormer would be reduced in size, this would not mitigate the increased bulk of the roof itself. This additional bulk would be compounded, when viewed from the rear, by the large rear dormer which would be wider and higher than the existing and would have a larger expanse of glass.
9. The window would not be in direct alignment with the window on the floor below which would be of a similar scale and appearance. This would harm the symmetry of the property and intensify the fragmented appearance of the extensions to the rear of the property. The rear dormer would also cover a significant proportion of the visible rear roof slope and would be set-down only marginally from the ridge. Consequently, the dormer would not appear subservient to the existing dwelling.
10. Although the proposed first-floor rear extension would have a pitched roof with a lower ridge height than the roofs of both the side extension and original dwelling, when viewed in conjunction with the increased scale of the other roof additions, it too would appear excessively large.
11. Cumulatively, these additions would add excessive bulk to the roof, appearing overbearing and out of keeping with the scale of the original dwelling to the detriment of the character and appearance of the house and area.
12. The proposal therefore conflicts with Policy CS 1 of the Harrow Core Strategy, February 2012 (CS) and Policy DM 1 of the Harrow Development Management Policies Local Plan (DMLP), July 2013 which require development to respond positively to the local context, respect their host buildings and achieve a high standard of design.
13. The proposal would also be at odds with the aims of Policies 7.4 and 7.6 of the London Plan (LP), March 2016 which require development to provide a high quality design response which complements the local architectural character.
14. Whilst the proposal would meet the guidance contained within the Council's Supplementary Planning Document Residential Design Guide, December 2010 (SPD) in some respects it would not achieve its aim to ensure that roof alterations and dormer windows complement the original street character and do not dominate buildings or impair their proportions or character. The SPD also states that dormer windows should be subordinate features in the roof which would not be achieved under the current proposal.
15. Whilst I noted a number of other examples of altered properties nearby the majority of these appeared to be noticeably set-down from the ridge of their host dwellings, so that their bulk is not directly comparable to the proposed development. In any event, each case must be treated on its own merits and, I

am not aware of the full planning history of these other extensions. Moreover, the existence of other similar examples does not justify perpetuating the harm I have identified.

16. I also acknowledge the appellant's attempts to unify and improve the appearance of the property, for example through the reduction of the side dormer and the removal of the parapet wall. These elements, however, are not sufficient to outweigh the harm I have identified above. Furthermore, improvements could, in my view, be achieved through a smaller, more sympathetic scheme.

Living conditions

17. The first-floor rear extension would be located to the south-west of the neighbouring property, No. 53 Hillbury Avenue, close to its boundary. No. 53 has a single-storey side extension which abuts the boundary with No. 51 but appears unaltered at first-floor level.
18. Due to its orientation, proximity, height and depth, the proposed first-floor extension would diminish the levels of sunlight reaching the closest rear habitable room windows of No. 53 from mid-afternoon. Its depth and proximity to No. 53 would also lead to a reduction in daylight and a corresponding sense of enclosure. This sense of enclosure would be exacerbated by its relationship to the existing conservatory which, whilst set further in from the boundary than the proposed extension, is a substantial structure.
19. I therefore conclude that the first-floor extension would cause unacceptable harm to the living conditions of the occupiers of No. 53 by appearing overbearing and leading to an undesirable loss of sunlight and daylight.
20. It is therefore contrary to Policy DM 1 of the DMLP which seeks to ensure that proposals which would be detrimental to the amenity of neighbouring occupiers will be resisted. The proposal would also be at odds with Policy 7.6 of the LP which states that buildings and structures should not cause unacceptable harm to the amenity of surrounding buildings.
21. It would also be contrary to the code in the Council's SPD, which requires a 45 degree splay to ensure reasonable relationships are maintained between existing buildings and extensions and to reduce the potential loss of light to neighbouring dwellings.
22. I note that the appellant argues that the breach of the 45 degree code would be small. Nonetheless, the development would cause unacceptable harm for the reasons given above.

Conclusion

23. Consequently, for the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

L J O'Brien

Appointed Person