



Appeal Decision

Site visit made on 22 August 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 29th August 2017

Appeal Ref: APP/M5450/D/17/3179850

18 Tithe Farm Avenue, Harrow HA2 9AE

- 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 Morjaria against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1059/17, dated 7 March 2017, was refused by notice dated 5 May 2017.
 - The development proposed is a double storey rear extension and loft conversion. Converting garage into habitable room. Porch extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey front extension incorporating front porch; two storey side to rear and single storey rear extension; rear dormer to create habitable roofspace and demolition of attached garage at 18 Tithe Farm Avenue, Harrow HA2 9AE in accordance with the terms of the application, Ref P/1059/17, dated 7 March 2017, 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 development hereby permitted shall be carried out in accordance with the following approved plans: FP_VM_01, FP_VM_02, FP_VM_03, FP_VM_04, FP_VM_05, FP_VM_06, FP_VM_07, FP_VM_08 and FP_VM_09.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall not be occupied until the first floor windows within the side elevation of the extension facing 16 Tithe Farm Avenue, Harrow have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Procedural Matter

2. The description of development in the heading above is taken from the application form. I have, nevertheless, used the description given on the appeal form and Council's decision notice in the decision above as it is more accurate reflection of the appeal proposal.

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, semi-detached property. It has a single storey extension to the side which adjoins a similarly sized extension to the side of 16 Tithe Farm Avenue. The street scene is characterised by pairs of two-store, hipped roof semis with gaps between at first floor level. To the rear, several properties have been extended in various forms both at ground and first floor level. Due to extensions to the side, visibility of the rear of properties from within the street scene is significantly limited.
5. The Council has raised no concerns with the proposed front porch extension or proposed dormer. I see no reason to disagree. Nevertheless, the Council has raised concerns with the removal of the existing garage and the construction of a ground and first floor extension to the rear and side. The extension would project the full depth of the flank wall of the property and then around 3m beyond the rear wall.
6. I note the rear first floor element would be wider than half the width of the original property. However, the first floor element to the rear would be around 5.4m in width whilst the overall width of the extension would be around 8.5m. Whilst it would be a significant proportion of the existing 6.1m width of the property, a considerable amount of the rear of the original rear wall would nevertheless remain visible. As a result, the rear element would not appear unduly disproportionate or contrived nor would it subsume the entirety of the rear of the dwelling.
7. Moreover, whilst the rear elements of the extension would be visible within neighbouring gardens and properties, the width of the rear elements would not be perceptible from vantage points within the public realm. As a result, the proposal would not appear unduly incongruous or discordant in the street scene.
8. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area. Consequently, the proposal would comply with Policy 7.4B of the London Plan¹ which requires high quality design. It would also comply with Policy CS1.B of the Harrow Core Strategy 2012 which requires development to respond positively to local context and DM1 of the Harrow Development Management Policies Local Plan 2013 which requires a high standard of design.
9. Finally it would accord with the guidance in the Harrow Residential Design Guide, Design and Layout Guidance for Householder Development SPD 2010

¹ The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations Since 2011, 2016

which states that an extension should have a sense of proportion and balance, both in its own right and in its relationship to the original building and should not dominate the original building or the surrounding streetscape.

Conditions

10. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty. A condition relating to materials is also necessary to protect the character and appearance of the area.
11. Secondary windows are proposed in the flank wall at first floor level facing the side of No 16. These windows would serve an en-suite and a bathroom. I agree with the Council that a condition to obscurely glazed and fix the windows below 1.7m in height is necessary to prevent overlooking and a loss of privacy for residents of No 16.
12. The Council also considers that a condition should be imposed that would prevent additional doors or windows being installed in the side elevations of the extension. However, paragraph 204 of the National Planning Policy 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 consider a condition to restrict the installation of windows would not be necessary. Indeed, the Town and Country (General Permitted Development) (England) Order 2015 requires any first floor windows installed in side elevations to be obscurely glazed and non-opening below 1.7m above floor level.

Conclusion

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

Jason Whitfield

INSPECTOR