



Appeal Decision

Site visit made on 18 July 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 11th September 2017

Appeal Ref: APP/T5150/W/17/3173574
61A Harvist Road, London NW6 6EX

- 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 Miss P Henderson against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/0278, dated 18 January 2017, was refused by notice dated 27 March 2017.
 - The development proposed is single storey rear and side infill extension, insertion of a window to the ground floor side elevation and erection of a single storey detached outbuilding in the rear garden of ground floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and side infill extension, insertion of a window to the ground floor side elevation and erection of a single storey detached outbuilding in the rear garden of the ground floor flat at 61A Harvist Road, London NW6 6EX in accordance with the terms of the application, Ref 17/0278, dated 18 January 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: Proposed Floor Plans entitled 'Floor Plans 01'; Existing Floor Plans entitled 'Floor Plans 01'; Existing Front View entitled 'Front and Proposed Rear 02'; Proposed Side View entitled 'Proposed Side View 02'; Proposed and Existing Rear View entitled 'Front and Proposed Rear 03'; Existing Side View entitled 'Existing Side View 04'; Existing and Proposed Roof Plans entitled 'Roofplans 06'; A dimensioned drawing entitled 'Elevations for Proposed Garden Room'; Drawing number 61A/01 noted to be 'Lease Plan' which includes areas denoted by red and blue lines and a 'Location Plan', Land Registry plan for Title number AGL278865.
 - 3) All external materials of the development hereby permitted shall match, in colour, texture, and design detail, those of the existing building.

Procedural Matter

2. I have amended the description of development proposed from the detailed wording on the application form to the description set out in both the appeal form and the decision notice. I consider that this more succinctly describes the development proposed.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of host dwelling and the Queens Park Conservation Area and;
 - the living conditions of the occupiers of No 59 Harvist Road with particular regard to outlook and visual impact.

Reasons

Character and Appearance

4. The appeal property is a ground floor flat of a three storey end of terrace Victorian house within the Queens Park Conservation Area. The house overlooks Queens Park. The rear garden extends to the railway line at the back. The Queens Park Conservation Area is characterised by the well preserved terraces of substantial Victorian properties which surround and respect Queens Park as an important area of urban greenspace. The appeal property is subject to an Article 4 (1) direction.
5. The appeal property, like those adjacent to it, has a long outrigger which is set in from the main part of the house. The proposal is to extend the outrigger to the rear at ground floor, construct a side extension linking to it, and erect a garden room at the back of the garden.
6. The Council in its officer's report considers that the proposed garden room would have an acceptable effect on the character and appearance of the area or the Queens Park Conservation Area.
7. The proposed ground floor rear extension would project out by around 3m from the existing outrigger. Both numbers 63 and 59 Harvist Road have ground floor rear extensions which project out a similar distance. There is an existing rear extension on the outrigger so the additional effect of the proposed extension is not fully 3m.
8. Given the depth of the extensions either side of the appeal property, I consider that the proposed single storey rear extension would not be harmful to the character and appearance of the host dwelling or the area. It would be consistent with the advice on rear extensions set out in Section 3.2 of the *Queens Park Conservation Area Design Guide 2013 (QPCADG)*. The rear extension would be deeper than the advice set out in the *Supplementary Planning Guidance 5 Altering and Extending Your Home 2002* which refers to a maximum depth of 2.5m on rear extensions to terraced properties. However I have placed greater weight on the 3m maximum depth set out in the QPCADG in this regard as it is more recent and specifically relates to the conservation area.

9. The proposed side extension is essentially a side extension to the existing outrigger and would align with the side wall of the main part of the house. It has a roof which would slope towards the boundary with No 59 Harvist Road. The slope would run from around 3m to around 2.5m. This would be around 0.5m higher on the side elevation than as set out in the QPCADG. However since the extension is offset to the boundary by over 1m, I do not consider that this would be harmful to the character and appearance of either the host dwelling or the Queens Park Conservation Area.
10. The proposed side and rear extensions would both be extended to effectively fill in the gap they would create in isolation. This is referred to in the Council officer's report as a 'wrap around'. The OPCADG advises against the construction of such wrap arounds and states an extension should not be any longer than the outrigger it is attached to.
11. There are existing single storey extensions to the rear of the outriggers at 63, 59 and 57 Harvist Road, as well as at the appeal property. The proposed single storey rear extension would accord with the QPCADG and the proposed side extension up to the building line of the outrigger would do also, other than being around 0.5m higher on its outer edge. I have already concluded that the height of the side extension is not harmful.
12. The design and nature of the proposed extensions at ground floor level when considered together, would leave the form of the outrigger clearly visible and defined at first and second floor level when viewed from the rear gardens of the properties. Given the boundary treatment with numbers 63 and 59 Harvist Road, I do not consider that the additional element of the wraparound would be unduly visible from neighbouring gardens sufficient to cause harm or loss of definition of the outrigger on the property as a whole. The ground floor extensions would not be visible from the railway lines behind but the upper storeys would be. The proposed extensions would not be visible from the street. I consider that given the acceptability of the side and rear extensions for the reasons explained above, the proposed wraparound element would not be unduly harmful to the character and appearance of either the host dwelling or the area.
13. I therefore conclude for the reasons set out above that the proposed development would not be harmful to the character and appearance of the host dwelling or the area and would accord with Policies DMP1 and DMP7 of the *London Borough of Brent Development Management Policies Development Planning Document 2016 (the DMD)* which set down general requirements for new developments and for protecting heritage assets respectively.
14. The proposed development would be, in part, contrary to the QPCADG. However, for the reasons which I have set out above, I consider that the particular circumstances of this site and proposal mean that this appeal can be decided other than in full accordance with that design guide.
15. The appeal site lies opposite and faces Queens Park and so contributes to the significance of the conservation area. However, the proposed extensions would not be visible from the front of the property or from the park. They would be subservient to the existing house, maintain the general definition of the outrigger, and need to be considered in the context of the existing extensions to the rear of the adjacent properties. As such they are not out of keeping with the pattern of development in this part of the Conservation Area.

16. Having regard to the statutory test in s72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I consider that the proposed development, would preserve both the character and appearance of the Conservation Area and the significance of the designated heritage asset would not be harmed.

Living Conditions

17. Number 59 Harvist Road has a number of windows on both the main part of the house which face along the line of its outrigger, and on the outrigger itself and the flat roofed extension to the rear of the outrigger. The proposed side extension would be visible from the first and second storey windows but since they sit above the proposed extension, I consider that the outlook from them would not be harmed.
18. There is an existing lightweight roofed structure attached to the side of the outrigger of 59 Harvist Road and this extends to the boundary fence with the appeal site. It runs the full length of the outrigger and is open at the end furthest away from the main part of the house. This structure, and the boundary fence would significantly restrict views of the proposed extension from the ground floor windows and the area to the side of 59 Harvist Road. The window on the rear extension at 59 Harvist Road which faces the appeal site is a small secondary window, and has external bars on it.
19. The proposed extensions would not extend any further down the garden than does the existing rear extension at 59 Harvist Road, and the side extension would be offset from the boundary by over 1m. I therefore consider that they would not lead to a harmful effect on outlook for the occupiers of 59 Harvist Road nor create a sense of enclosure or oppression from within the property, the side of the house or from the rear garden. The Council considers that the proposed garden room would not have a harmful effect on living conditions of neighbouring properties and given its nature and location, I agree. I therefore conclude that the proposed development would not be harmful to the living conditions of the occupiers of 59 Harvist Road and would accord with Policy DMP1 of the DMD.

Other Matters

20. The occupier of the first floor flat has expressed concern about security should the appeal be allowed. The fear of crime is a matter which has been held to be a material consideration in the determination of planning proposals. Whilst I understand those concerns, I have no evidence to suggest that the proposed development would increase the risk of criminal activity.

Conclusion

21. For the reasons given above and taking account of all matters raised, I conclude that the proposed development would not be harmful to the character and appearance of the host dwelling or the Queens Park Conservation Area, would not harm the significance of the designated heritage asset and would not be harmful to the living conditions of the occupiers of 59 Harvist Road. It complies with Policies DMP1 and DMP7 of the DMD. Consequently I conclude that the appeal should be allowed.
22. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard time condition for implementation, there is a need for

a condition specifying the plans to which the permission relates in the interests of clarity and certainty. There is also a need for a condition to ensure that the materials in the proposed extension match those of the existing building in the interests of protecting the character and appearance of the Queens Park Conservation Area.

Mike Worden

INSPECTOR