



Appeal Decision

Site visit made on 2 September 2019

by M Chalk BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/M5450/D/19/3228090

44 Paines Lane, Pinner HA5 3DA

- 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 Shamir Budhdeo against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1015/19, dated 22 February 2019, was refused by notice dated 29 April 2019.
 - The development proposed is single and two storey side extension, single and two storey rear extension, single storey front extension with loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that there are discrepancies in the submitted plans including the eaves to the proposed side extension, differences in site levels, and the alignment of the rear elevations between 44 and the closest neighbouring property at 46. I am satisfied that the plans are sufficiently clear to allow the appeal to be determined. If I were minded to allow the appeal this is something on which I would have sought the future comments of the parties, including interested parties. However, as I am dismissing the appeal this has not been necessary.

Main Issue

3. The main issue is the effect on the character and appearance of the dwelling and wider area.

Reasons

Character and appearance

4. The appeal property is a linked detached two-storey dwellinghouse on a corner plot. It is one of a row of five houses of similar size and style. Each property in the row has been modified over time, but this is not unusual and particularly from the front the similarities between the five houses contribute significantly to the character of the street scene in the area. The five houses are arranged in a staggered row, with the appeal property both the furthest forward of the five, and also the highest due to differences in ground level.
5. The rear extension would run across almost the whole width of the house, including the proposed two-storey side extension. It would significantly

increase the mass of the property, especially when viewed from the rear. There have been extensions to the rear of other houses in the row. However, this would be the largest addition to the row, and the most prominent from Oakhill Avenue to the side of the site due to its siting, height, width and the provision of a gable roof across its width. The bulk of the extension would be harmful to the character of the house, which derives in part from its similarities to the other houses in the row, and because of its height and width it would fail to appear subordinate to the existing dwelling.

6. The proposed front extension would result in the loss of the existing bay window to the living room. This is a feature shared with the other four houses in this row, notwithstanding that different materials have been used at 46, and contributes to the character of the group and the wider street scene. Its loss would be harmful to that character.
7. In addition, the proposed roof to the front and ground-floor side extension would introduce a false pitch uncharacteristic of the house and wider group, which would be harmful to the appearance of the property.
8. The two-storey side extension would be set back from the front elevation at first floor level, and set down from the ridgeline of the existing roof. It would be set away from the flank boundary of the property at first floor level. As part of the overall proposed development, and especially as it connects to the first-floor rear extension, this would add to the overall bulk of development and be harmful to the character of the house.
9. Notwithstanding the identified issues with the accuracy of the submitted plans, the proposed development would be harmful to the character and appearance of the appeal property, and the wider area. It would therefore be contrary to policy DM1 of the Harrow Development Management Local Plan Policies 2013, policies 7.4B and 7.6B of the London Plan 2016 and guidance in the Design and Layout Guidance for Householder Development Supplementary Planning Document. When taken together, these require new development to be of a high standard of design including with regard to the massing, bulk, scale and height of proposals in relation to their location and surroundings. This approach is consistent with the National Planning Policy Framework, and there would therefore be no conflict with the design approach of national policy.

Other matters

10. The two-storey rear extension would be built almost up to the side wall of the house facing the nearest neighbour at 46. The Council's guidance on rear extensions states that no extension should interrupt a 45 degree angle taken from the closest corner of the first floor of the neighbouring property. This is to avoid an overbearing visual impact in terms of bulk and proximity to boundaries both from inside adjacent properties and from neighbouring gardens, and to reduce potential loss of light and overshadowing to neighbouring dwellings and gardens. As the submitted plans do not correctly show the relationship between the rear elevations of the two houses, it is not possible to state that this would not be the case, as the submitted plans show that the rear extension would be close to the boundary between 44 and 46.
11. There are street trees along the boundary of the appeal property. No information has been submitted to show the effect of the proposed development on the trees, but based on the evidence before me they are not

subject to a Tree Preservation Order, nor especially vulnerable to development in their vicinity. Were I minded to allow the appeal, I am satisfied that an appropriately worded condition requiring a tree survey and approval of suitable protection measures would be sufficient to protect these trees.

12. I have had a previous permission granted by the Council at this site¹ drawn to my attention. There are similarities between this approval and the appeal proposal, but I note that in the approved scheme there was no first-floor rear extension, and the front bay window was to be reused as part of the proposed development. In addition, the permission was granted in 2001 before the adoption of the current local plan documents and the London Plan. I therefore only attach limited weight to this previous approval.
13. The appellant has stated that the proposed development would incorporate measures to reduce emissions from the property, including ground source heating, LED lights and other measures, with the proposal being sustainable development. I consider that these add some weight in considering this appeal, but do not outweigh the harm identified in a proposed development that is contrary to the policies of an up to date Local Plan.

Conclusion

14. For the reasons set out above, the appeal is therefore dismissed.

M Chalk

INSPECTOR

¹ Ref: WEST/140/01/FUL, approved 5 September 2001