



Appeal Decision

Site visit made on 29 August 2019

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/M5450/C/18/3212769

22 Haig Road, Stanmore HA7 4EP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Susan Leigh against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The enforcement notice was issued on 29 August 2018.
 - The breach of planning control as alleged in the notice is without planning permission: unauthorised construction of a single storey side and rear extension and rear dormer ('unauthorised development').
 - The requirements of the notice are: 1) Demolish the unauthorised development.
2) Remove from the land all materials and debris arising from compliance with the aforementioned requirement of the notice.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

Main issues

2. The main issues are the effect of the development on:
 - the character and appearance of the appeal building and surrounding area; and
 - the living conditions of neighbouring residents, with particular regard to overlooking and privacy.

Background

3. The appeal property is a semi-detached bungalow located in a predominantly residential area. The enforcement notice relates to the side and rear extensions, and the dormer window within the rear roof slope of the bungalow. The evidence shows that the development was carried out in 2014.

4. Since then, a number of planning applications have been submitted in order to regularise the development and gain planning permission, all of which were refused. The Council have not provided a statement of case for the appeal, and so I have relied on the planning officer's report for the latest planning application (ref: P/1274/18) for the amplification of their case.

Character and Appearance

5. The appellant states that the existing extensions replaced previous side and rear extensions which were of similar proportions. On the basis of the evidence before me, there can be no doubt that previous extensions existed, and were in place for some time. However, the main focus of the appeal is on the effects of the development as built.
6. The appellant confirms that there was an increase in the height of the long side wall. The Council's document entitled 'Supplementary Planning Document: Residential Design Guide' (SPD) recommends a maximum height of 3m for single storey side extensions with flat roofs. Including the parapet, the side wall rises to a height of around 3.2m, thus exceeding the recommended dimension.
7. As I noted on my visit, the side wall can be seen from the street. Due to its significant height and depth, and its long, blank elevation, it is an incongruous feature within its context. The wall is visibly higher than the eaves of the bungalow, and as a result, it appears disproportionately tall in comparison to the modest scale of the main building.
8. An elevational drawing of the previous flank wall has been provided showing that the rear section of the previous wall was higher than the mid-section. The appellant contends, therefore, that the appeal should consider only the visual effect of the higher mid-section. However, I am bound to consider the impact of the scheme as a whole.
9. Where the side extension joins the main body of the house, a false pitched roof has been provided. The SPD is clear that such structures should be avoided. Although reference is made to the prevalence of similar extensions in the vicinity of the site, my attention has not been drawn to any specific examples. Therefore, there is little evidence to show that roof features of this kind are characteristic of the architectural style in the area. Moreover, I saw that the false pitched roof forms an awkward visual junction between the flat roof of the extension and the traditional hipped roof of the main house. As a result, it harms the appearance of No 22, and the character of the surrounding area.
10. The Council also voice concern over the design of the dormer extension. The SPD highlights the importance of achieving the visual containment of extensions to roof slopes. To this end, it advises that dormers should be set at least 1m from the gable end or edge of the roof, and at least 1m back from the roof eaves. The existing dormer does not meet these recommended set backs, adjoining the edge of the hip, and meeting the eaves. It therefore fails to achieve subservience within the rear roof slope. Instead, it adds excessive bulk at high level, and dominates the rear elevation of the house.
11. The appellant considers the dormer to be modest in width, particularly in comparison to other dormer extensions in the area. However, in the absence of any details of the planning history of the examples referred to, I am unable

to draw any meaningful comparison with them. In any event, each case is to be assessed on its individual merits. The appellant contends that the appeal dormer would be permitted development were it to be set up from the eaves. However, it follows that such a development would be less substantial, and so this circumstance has not led me to a different view on the acceptability of the dormer as built.

12. Drawing these factors together, I conclude that the development unacceptably harms the character and appearance of the surrounding area. It therefore conflicts with Policy DM 1 of the Harrow Council Development Management Policies (DMP), which requires a high standard of development, and resists schemes that are detrimental to local character and appearance. It also fails to accord with the advice given in the SPD, and with the aim of the National Planning Policy Framework to achieve well-designed places.

Living conditions

13. The French windows in the rear dormer give access to a railed balcony area on the flat roof of the rear extension. DMP Policy DM 1 requires that all development must achieve a high standard of privacy and amenity. Amongst other things, regard should be had to the overlooking relationship between windows and outdoor space.
14. On my visit, I saw that the glazed doors in the dormer allow clear views over the rear garden of the neighbouring property at 24 Haig Road. The ability to open the doors and walk out onto the balcony gives rise to a marked intensification of the use of an area that would otherwise be uninhabitable. This factor, in conjunction with the elevated position of the dormer, results in an unacceptable degree of overlooking of the neighbouring garden, and a consequent loss of privacy for those using the area.
15. I therefore conclude that the development materially harms the living conditions of neighbouring occupants, contrary to DMP Policy DM 1, and the advice of the SPD that extensions should not result in any significant loss of privacy to neighbouring gardens.
16. I have taken into account the representations in support of the development, but these have not led me to a different view on the merits of the case. Therefore, having regard to my conclusions on the main issues, I am satisfied that ground (a) should fail and the deemed application for planning permission should be dismissed.

The appeal on ground (f)

17. The appellant argues that it is excessive for the enforcement notice to require the removal of the built extensions in their entirety, on the grounds that the property previously had a side and rear extension of a similar size. Instead, the appellant proposes to reduce the height of the side parapet wall, and to replace the false pitched roof form with a hipped roof form.
18. The appellant is also willing to remove the first floor balcony to the rear extension and replace this with a Juliet balcony, to mitigate the harm to the privacy of the neighbouring occupiers. Although such a step would be welcome, further changes to the dormer extension would be required to make it acceptable, as may be seen from the discussion above.

19. I agree that it may be possible in this case to alter the extensions and the dormer so as to mitigate the harm I have identified. However, there is no agreed detailed scheme before me which could be substituted as a requirement of the enforcement notice. The notice is clearly directed at remedying the breach of planning control and in the absence of an acceptable alteration scheme, I have no option but to uphold the requirement to demolish the structures. The appeal on ground (f) fails.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR