



Appeal Decision

Site visit made on 25 November 2019

by Gareth Symons BSc(Hons) DipTP MRTPI

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

Decision date: 12 December 2019

Appeal Ref: APP/M5450/C/19/3222000

108 Kingshill Drive, Kenton, Middlesex HA3 8QB

- 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 Jayshree Patel against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The enforcement notice was issued on 4 January 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission an unauthorised single storey rear infill extension connecting dwelling to outbuilding ("Unauthorised Development").
 - The requirements of the notice are: 1. Demolish the Unauthorised Development shown hatched on the attached plan 2; 2. Make good any resultant damage as a result of carrying out step 1, in materials to match the existing dwelling, and; 3. Remove from the Land all materials and debris arising from compliance with the aforementioned requirements of the notice.
 - The period for compliance with the requirements is: One (1) calendar month after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice is varied by deleting the sentence under section 6 and replacing that with "Six calendar months after the notice takes effect". Subject to this variation, 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 ground (a) appeal

2. The main issues are the effects of the extension on the character and appearance of the area and the living conditions of the occupiers of 106 and 110 Kingshill Drive, with regard to outlook.

Character and Appearance

3. Two previous planning appeals (Refs: APP/M5450/D/16/3164155 & APP/M5450/D/17/3179027) for infill extensions at the rear of the house have been dismissed. The second scheme had a reduced depth by about 1m less than the first proposal. Both previous Inspectors noted that, along with an existing ground floor extension, the cumulative depth of the overall projection from the original rear wall of the house would well exceed that normally

considered to be acceptable by paragraph 6.59 of the Council's Supplementary Planning Document Residential Design Guide 2010 (SPD). That would still be the case with the current extension. Moreover, both Inspectors found that the special circumstances set out under paragraph 6.60 of the SPD that may allow extensions of greater depth did not apply. That too would still be the case in this appeal.

4. The main difference from the two earlier schemes is that they were for extensions with solid walls and roofs, whereas this extension has a lightweight translucent roof supported on slim posts along the front edge. It is open-sided apart from the wall to the outbuilding to which it is attached. I accept that the canopy is much less substantial than previously proposed, and the wall of the existing extension is still visible. The transparency of the roof also gives it a light feel. Nevertheless, it still covers over the space and combined with the existing extension and the outbuilding, the total extent of development at the rear is out of proportion and scale with the original house. It is not a high quality or sympathetic design and although the dominating collective effect may not be widely visible, it can be seen from nearby properties. There are various other extensions and outbuildings to other houses. However, none have been brought to my attention that is comparable.
5. I appreciate that the appellant cares for her elderly mother who is confined to living on the ground floor of the property. However, apart from shielding against precipitation, the space is otherwise open and exposed to other inclement weather conditions such as cold and wind which probably limits its use. When the weather is fine and warm, shade, for example, could be provided by a conventional patio umbrella. I do not see an overriding personal need for the roof, and it has not been explained how it would provide safe access to the outbuilding or why that is needed on a regular basis. Having due regard to the personal circumstances involved, my decision to dismiss the appeal is a proportionate response to the breach of planning control.
6. The development harms the character and appearance of the area. It does not, therefore, accord with the design aims of policies 7.4 and 7.6 from the London Plan, policy CS1B from the Harrow Core Strategy, policy DM1 from the Harrow Development Management Policies Local Plan and the Council's Supplementary Planning Document: Residential Design Guide. It also does not meet the aims of the National Planning Policy Framework as they relate to requiring good architecture and design.

Living Conditions

7. Whilst I note the harm alleged set out in the enforcement notice to the living conditions of the neighbours at Nos 106 and 110, neither previous Inspector found any harm to the occupiers of 106 due to the screening effect of the existing outbuilding and the distance away from that neighbour. Although the development is different this time around, the site circumstances are the same and so I agree with the other Inspectors findings. I note that when the planning application for the canopy was refused, the Council's officer did not find any harm to the occupiers of 110. For the same reasons, I also agree with their findings. As such, the development has not harmed the living conditions of the occupiers of 106 and 110 Kingshill Drive with regard to outlook. Therefore, it accords with the amenity protection aims of Policy 7.6 from the

London Pan, policy DM1 from the Harrow Development Management Policies Local Plan and the Framework.

Ground (a) Conclusion

8. Although there is no harm to the living conditions of neighbours, I have found harm to the character and appearance of the area. That is the prevailing consideration. Consequently, I conclude that planning permission should be refused. The ground (a) appeal does not succeed.

The ground (g) appeal

9. I agree that one month to comply with the requirements of the notice falls short of what should be reasonably allowed given the likely need to engage a contractor to dismantle the canopy. A more proportionate time would be six months. I intend to vary the time for compliance accordingly. To this extent, the ground (g) appeal succeeds.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Gareth Symons

INSPECTOR