



Appeal Decision

Site visit made on 26 November 2019

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/M5450/D/19/3238431

Stella Maris, 39 Oakhill Avenue, Pinner, HA5 3DL

- 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 Tarlochan Singh Ghataorhe against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1957/19, dated 25 April 2019, was refused by notice dated 13 August 2019.
 - The development proposed is 'single storey side extension; single storey rear extension with Juliette balcony at first floor level; first floor rear infill extension; two rear dormers; installation of rooflights to both side and rear roof slopes; replacement roof tiles; two bay windows to first floor front elevation; front porch canopy with balcony at first floor level; part conversion of garage and conversion of roof space to habitable rooms; rendering; relocation of windows and doors; air conditioning units; external alterations; retaining walls and fencing to plot boundaries and landscaping for privacy screening; carriageway; bin storage (retrospective)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already commenced and I am therefore considering aspects of this appeal retrospectively.

Main Issues

3. The effect of the proposal on:
 - The living conditions of the occupiers of neighbouring properties, particularly in terms of privacy and noise;
 - Character and appearance of the host building.

Reasons

Living conditions of neighbours

4. The area is characterised by detached houses of mixed age and construction, with large back gardens. No 39 Oakhill Avenue is flanked by two-storey detached brick houses built in the late twentieth century; it predates the surrounding development and dominates these by height and bulk. The frontages of most houses on the west side of Oakhill Avenue are close to the road with enough space for a driveway, but limited scope for a front garden,

meaning that the main outside amenity space is likely to be the back garden. Houses are built close together, with mature hedgerows and fences between, giving a prevailing character of quiet privacy in the back gardens. Neighbouring houses were noted to have first floor Juliette balconies to the rear.

5. A significant proportion of No 37's garden is visible from the Juliette balcony and other windows on the rear of the house, however private amenity space remains, and I do not consider this degree of loss significantly harmful or in conflict with the prevailing character of privacy in the area. The garden of No 41 is screened by mature vegetation and much of the rear would remain private. However, the flank window of bedroom 3 directly overlooks the back of No 37 such that it would have no remaining outdoor private space. I have had regard to the historical presence of a window in this location, but when considered as a whole with the other first and second floor windows, in my opinion this leads to an overall loss of privacy that would give rise to harm, in conflict with Policy 7.6B of the London Plan (2016), Policy DM1C of the Harrow Development Management Policies Local Plan (2013) (HDMPLP) and the adopted Supplementary Planning Document, which recommends that windows in flank walls overlooking a neighbouring house should be omitted.
6. I have also considered potential harm to neighbours' amenity from the perception of being overlooked from the rear of the development. I note that windows were historically in approximately the same locations, but the new windows are significantly larger than the original and the Juliette balcony doors are unusually wide in proportion to the house, in addition to being tall and central. I consider that the extent of glazing at the rear, including the large dormer windows, would inevitably create a perception of a significant loss of privacy within the neighbouring gardens, to the detriment of the living conditions of the occupiers. I note addition of a parapet and the claim that this provides mitigation for perceived loss of privacy from the Juliette balcony by giving it similar dimensions to a window when viewed from a distance. However, in my opinion it is still clear that this is a large door and it is insufficient to alleviate the harm from perceived overlooking. In my opinion, the sense of being overlooked by such large openings constitutes a loss of amenity for neighbouring properties, and for No 37 this would be significant, in conflict with Policy DM1C HDMPLP, which requires that all development must achieve a high standard of privacy and amenity.

Noise pollution

7. It is proposed that four air conditioning units would be placed at the junction of the gardens of the host house, no 41 and no 88 Barrow Point Lane, following pre-application advice from the Council. These condensers will create noise and therefore mitigation to minimise adverse impacts is proposed to protect the amenity of neighbours, as required by policy 7.15 B of London Plan (2016).
8. However, there are contradictions in the Plant Noise Impact Assessment (EEC, December 2018) over choice of the nearest receptor and the plan is not of sufficient detail to clarify this or justify derivation of distances for calculations of losses. Insufficient evidence has therefore been provided to confirm that mitigation will be adequate to avoid harm to the amenity of neighbours in terms of noise, both inside the swellings and while using outdoor living spaces. This would conflict with Policies DM1C and DM1H of the HDMPLP, which require

that proposals that would be detrimental to amenity of neighbours, including noise, should be resisted.

Character and appearance of host house

9. The house originally on the site was apparently built around 1910 and an example of arts and crafts movement architecture, although I note it was not listed or in a conservation area. At the site visit it was apparent little remains of the original house, including its former character. I take this into account when considering the appearance in comparison to the host house, which is now effectively a new building.
10. Windows on the back of the house are multitudinous and large, and an argument could be made for over fenestration in the design. However, as this cannot be seen from the street and is not significantly overlooked from elsewhere, I don't consider it to be detrimental to the character and appearance of dwelling house or area.
11. I do not consider that the metal railings on the front balcony are out of character when compared to the quality, size, style and materials of the new host house. I have also considered the effect on the character and appearance of the wider area and although there is not an equivalent property nearby, I do not find the design to be obtrusive in the context of the highly variable style and age of housing in the area, including the occasional new build. I therefore do not consider that the balcony significantly harms the character and appearance of the host house or the wider area and does not conflict with policy 7.4B of The London Plan (2016), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the relevant provisions of the adopted Supplementary Planning Document Residential Design Guide (2010).

Conclusions

12. For reasons of overlooking causing loss of privacy for neighbours, both direct and perceived, and potential damage to the amenity of neighbours through increased noise levels, I conclude that the appeal should be dismissed.

B Davies

Inspector