
Appeal Decision

Site visit made on 6 January 2020

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/M5450/W/19/3235894

3 Graham Road, Harrow HA3 5RP

- 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 Akhtar against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2618/19, dated 5 June 2019, was refused by notice dated 15 August 2019.
 - The development proposed is for conversion of the dwelling into two flats, two one-bedroom and one bedsit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal revised plans have been submitted which decrease the projection of the first and ground floor extensions to three metres. I am mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council as local planning authority, and on which interested people's views were sought.
3. The Council has had the opportunity to comment upon this change however, the revisions would affect the external layout of the proposal and the position of windows. I must therefore consider whether acceptance of revised plans would prejudice the interests of any parties in accordance with the Wheatcroft Principles¹. As I have no certainty that interested parties have had the opportunity to comment upon these revisions, I have determined this appeal based on the plans which were before the Council and the interested parties at the time of the Council's decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of the neighbouring dwelling with respect to outlook and privacy, and
 - whether adequate refuse storage can be provided.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37].

Reasons

Character and appearance

5. The appeal property is a two storey end terrace which has been extensively enlarged into the roof and to the rear. Extensions consist of a large wrap-around dormer which, when viewed from the rear, has removed the sloping roof resulting in a three storey flat profiled element. There is an integral alleyway which runs from the front to the back of the appeal property which provides access to the rear garden. There is also a rear six metre long single storey extension which sits on the opposite side of the garden to the neighbouring adjoining property at No 5. To the side adjacent to No 5 is a rear projecting 'porch' area with a sloping roof.
6. A ground floor single storey extension just over four metres projection is proposed which would sit to the rear of the current living area and to the side of the existing extension. Additionally, there would be a four metre projecting first storey above the existing rear extension. This would increase the height and mass of the side elevation. This could be seen from Ladysmith Road and surrounding properties and, due to the appeal property end terrace position, could also be seen from the front on Graham Road. This increase in mass and height would be an incongruous feature within the streetscape.
7. The Residential Design Guide Supplementary Planning Document 2010 (Residential SPD) recommends that single storey extensions are considered within the context of the scale of development and their projection should accord with what would be acceptable within the property's permitted development rights. The scale and projection of the proposals would therefore not be consistent with the Residential SPD.
8. The appellant has drawn my attention to the presence of a first floor extension at 17 Graham Road with a 2.7 metre projection. I have no details regarding the planning status or details of this development, its presence does not persuade me that the appeal proposal would be acceptable, and in any case, each application must be determined on its own merits.
9. The extent of the additions would be out of scale with the original terraced dwelling. The proposed increase in height and mass at the first floor, combined with the other proposed and existing rear extensions to the property at roof and ground floor level, would result in an incongruous appearance. This would harm the character and appearance of the area and conflict with Policies DM 1 of the Harrow Development Management Policies Local Plan 2013 (Local Plan), Policy CS 1B of the Harrow Core Strategy 2012 (Core Strategy) and Policies 7.4 and 7.6 of the London Plan 2016² (London Plan). Together and amongst other matters these policies seek that proposals have a high standard of design, layout, scale and mass which compliments their surroundings and respect the host dwelling.

Living conditions

10. The appeal property is joined to the neighbouring terraced property at No 5 and to the rear there is a brick wall separating the gardens. The integral alleyway leading to the garden from the street would be retained as an access

² The London Plan. The Spatial Development Strategy for London Consolidated with Alterations Since 2011. March 2016.

route. Retention of the alleyway requires the proposed single storey extension to sit off the boundary wall to retain this gap. Currently, when viewed from within the garden of No 5, despite the existing extension being on the opposite side of the garden from the boundary wall, the single storey extension can be seen above the level of the dividing wall. Despite its position off the boundary, it is still very much visible with windows facing the outdoor amenity space of No 5. Should a second storey be added, this would form an overbearing structure which would lead to a feeling of enclosure.

11. The proposed single storey ground floor extension of around four metres would sit closer to No 5 and add to the sense of enclosure which results from previous extensions. These further additions would have a detrimental effect upon the living conditions of occupiers at No 5. Their downstairs windows, serving the kitchen, dining room and bedroom would be affected. Outlook from these windows would be towards a blank wall which would sit above the height of the boundary wall.
12. With respect to the placement of windows within the property, the first floor and loft extensions combined would have four windows facing No 5. Those to the first floor kitchen and toilet would be obscure glazed. The remaining windows which would serve a dining area and living area would afford views towards No 5. It would not be feasible to have all windows facing No 5 as non-opening and obscure glazed as this would be detrimental to the living conditions of future occupiers. As such, this could not be dealt with through a planning condition. The proposed extension would therefore provide views towards the rear habitable rooms of No 5 and over their garden. This would harm their living conditions with respect to overlooking and privacy.
13. The Residential SPD makes reference to the "45 Degree Code" with respect to assessment of the effect of proposals on neighbouring properties. The parties disagree as to whether the proposals accord with the "45 Degree Code". However, whether the first storey extension would interrupt a 45-degree line from the nearest first floor corner of the neighbouring property or not, does not override the harm I have identified.
14. The proposal in its totality, due to the scale of development, would have an overbearing effect upon the occupiers at No 5. There would also be an impact upon levels of privacy at the rear of their property. The harm to the living conditions of neighbouring occupiers would conflict with Policy DM 1 of the Local Plan and Policy 7.6 of the London Plan. Together and amongst other matters these policies seek that proposals have a high standard of privacy and amenity for neighbouring occupiers.

Refuse storage

15. The proposed refuse storage area would be situated near the living area of the ground floor flat. This would affect their living conditions due to the potential for odour and disturbance which in all probability would limit their opportunity to open doors and windows for ventilation. Additionally, the proposed position would narrow the side access route which would be required for the occupiers of the upper flats to access their outdoor amenity space and cycle storage. The Council has indicated that this reason for refusal could have been overcome by agreeing an amended bin position within the respective gardens. I have no reason to disagree with this opinion.

16. Given that I have found that a condition would be capable of ensuring that the refuse storage would satisfy Policies DM 1 and DM 26 of the Local Plan, Policy 3.5 of the London Plan and guidance contained within the Residential SPG, the proposal with respect to refuse storage would be acceptable. Consequently, this factor represents a neutral factor within my assessment.

Other Matters

17. The appellant is dissatisfied with the way this application has been determined by the Council and contends that it contradicts pre-application advice. Whilst I note this concern, this matter is beyond the planning considerations before me.

Conclusion

18. Taking the development plan policies as a whole and despite potential resolution of issue around refuse storage, the harm I have identified to the character and appearance of the area and the living conditions of neighbouring occupiers, make the proposal unacceptable. For the reasons stated above the appeal is dismissed.

E Symmons

INSPECTOR