



Appeal Decision

Site visit made on 4 February 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/M5450/D/19/3241198

187a Cannon Lane, Pinner, Middx, UK HA5 1HY

- 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 and Mrs Dadashian against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3238/19, dated 8 July 2019 was refused by notice dated 3 October 2019.
 - The development proposed is an extension to an outbuilding for ancillary use to the main residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, I saw that the extension of the outbuilding was complete. I am therefore considering this appeal retrospectively.
3. Within the information before me, references have been made to the draft London Plan 2017. Whilst I have had regard to these, their weight in my decision has been limited on account of the stage of preparation of this emerging plan.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of the occupiers of No 189 Cannon Lane (No 189), with regard to outlook; and
 - Whether the development amounts to the creation of a self-contained residential unit and, if so, whether the appeal site is a suitable location for new residential development having regard to the development plan.

Reasons

Character and appearance

5. The appeal site is located on the western side of Cannon Lane within an established residential area. The appeal building is sited within the rear garden of No 187a Cannon Lane (No 187a), which is an end-of-terrace, two storey property. The rear garden is accessed via a gated open passageway.

6. I observed on my site visit that the rear gardens of No 187a and adjacent properties are moderate in size, mostly linear in form and commonly enclosed by high, close boarded, timber fences, with some possessing mature trees and landscaping. These characteristics give the area a generally spacious feel and pleasing verdant appearance.
7. The development has extended a refurbished, single storey garage which is constructed of bricks with a flat roof. The extension is the same form, width and height as the refurbished garage and is clad with white UPVC on the north and west elevations and slate grey Eternit on the south elevation.
8. I acknowledge that the extension starts approximately 10.8 metres (m) from the rear elevation of No 187a and follows the form and design of the refurbished garage. However, the extension doubles the length of the building and results in an excessively large, linear structure, which occupies the majority of the southern side of the rear garden and, as such, reduces the garden's spaciousness.
9. Furthermore, the use of highly contrasting white UPVC cladding on the north and west elevations of the extension, creates a building which is very conspicuous and unduly prominent when viewed from the rear windows of the adjacent properties, particularly those to the north. In these respects, it is a structure which is out of keeping with, and has an adverse effect on, the character and appearance of the area.
10. Accordingly, I conclude that the development has a harmful effect on the character and appearance of the area. As such, it conflicts with Policies 7.4B and 7.6B of The London Plan (consolidated with alterations since 2011) 2016 (LP). It also fails to comply with Policy CS1B of the Harrow Core Strategy 2012 (HCS) and Policy DM1 of the Harrow Council Development Management Policies 2013 (HDMP). It also conflicts with the Harrow Residential Design Guide Supplementary Planning Document 2010 (Residential SPD). Taken together, and amongst other things, these policies and SPD seek to ensure that new developments are of a high standard of design, are of complementary materials and that they respond to the local context. In addition, it does not accord with the provisions of the National Planning Policy Framework (Framework) which, amongst other things, seek to ensure that developments are visually attractive and sympathetic to local character.

Living conditions of the occupiers of No 189

11. The refurbished garage and extension are located on the shared boundary with No 189. I was able to view the development from the garden of No 189 during my site visit.
12. With regard to outbuildings, Paragraph 6.78 of the Residential SPD states that, 'in order to reduce its impact on neighbouring gardens, the structure should be sited in the final quarter of the garden, having consideration to its impact on neighbouring property, and be proportionate to the size of the original dwelling. Any structure should normally be located away from the boundaries of the site by at least two metres, in which case its height should not exceed 4m for a structure with a dual pitched roof, or 3m in any other case. If the outbuilding is within 2m of any boundary then a maximum height of 2.5m is recommended. Unless the building is finished in timber, an external finish to match the appearance of the associated dwellinghouse should usually be provided.'

13. I am aware that the extension is approximately 11m away from the rear elevation of No 189, is the same height as the refurbished garage and is only approximately 300 millimetres (mm) greater than the recommended height stated in the Residential SPD and what would be permissible under permitted development.
14. Nevertheless, the extension's height and continued blank solid form in conjunction with that of the refurbished garage along the majority of the shared boundary with No 189, results in a structure which is unduly overbearing and oppressive when viewed from the private outdoor amenity space of No 189. This may, as asserted by the appellants, provide more privacy to the occupiers of No 189 but, on balance, I consider that it creates an uncomfortable sense of enclosure within the garden space of No 189 and has an adverse effect on the outlook of the occupiers of No 189 to a harmful degree.
15. To conclude on this issue, I consider that the development has a harmful effect on the living conditions of the occupiers of No 189, with regard to outlook. As such, it conflicts with Policy 7.6B of the LP. It also fails to comply with Policy CS1B of the HCS and Policy DM1 of the HDMP. It also conflicts with the Council's Residential SPD. Taken together, and amongst other things, these policies and SPD require new developments to not cause unacceptable harm to the amenity of surrounding land and buildings, and to have regard to the adequacy of outlook within outdoor spaces. In addition, it conflicts with the provisions of the Framework which seek to ensure high standards of amenity for existing and future users.

Self-contained residential unit

16. The Council's third reason for refusal states that 'the existing self-contained residential unit within the detached outbuilding is a garden land development which is at odds with the spatial strategy for the Borough.' However, the appellants stress that this is not what has been applied for. They state that the building has never been used as a separate dwelling and that the intention is to use it as a family recreational facility, ancillary to the main dwelling.
17. On site I observed that, inside, the building had a fitted kitchen, shower and toilet, along with gym and games equipment. I acknowledge that the building may be capable of functioning as a self-contained residential unit, albeit with shared access, services and private outdoor amenity space. However, that is not what has been applied for. I must determine the appeal on the basis of the description of the development as stated on the application form, unless agreed otherwise by the appellants. Moreover, from my observations on site and the evidence before me, there is nothing which confirms that the building is currently being used as a self-contained residential unit, or that it would be used for this purpose in the future.
18. On the basis of the above, I conclude that the development does not amount to the creation of a self-contained residential unit. Therefore, there is no requirement for me to assess whether the appeal site is a suitable location for residential development having regard to the development plan. In this regard, it does not conflict with Policy 3.5 of the LP and Policies CS1A and CS1B of the HCS. It also complies with the Council's Garden Land Development Supplementary Planning Document 2013.

Other Matters

19. The appellants have highlighted that permitted development allows development in rear gardens of up to 50% of the garden area and that the new extension equates to only 16% of the original garden area. In addition, reference is made to the fact that under permitted development there are no restrictions on the types of materials which can be used. Be that as it may, in my judgement, while the effect of such a development on the character and appearance of the area may be similar to the extension before me now, any such development would be unlikely to have such a harmful effect on the living conditions of the occupants of No 189, with regard to outlook. This limits the weight that I can attach to it as a fallback position.
20. The appellants state that 'Notification of Intention – Householder Single Storey Rear Extension' allows house owners to apply for an extension to the rear of their property up to a maximum of 6m in depth and 3m in height. Although it is subject to neighbours' approval, it is contended by the appellants that, if approved, this would have more impact on the living conditions of the occupiers of No 189. However, I note that such a notification has not previously been applied for. Furthermore, even if such a notification could be submitted to the Council, there is no guarantee that it would be approved, particularly given that it would have a greater harmful effect on the living conditions of the occupiers of No 189. This is, therefore, a matter to which I afford limited weight in the overall planning balance and it does not alter or outweigh my conclusions on the main issues.
21. I note the letter of support for the development by the occupiers of No 189 which confirms that they have no objections to the extension's height, depth, materials and standard of finish, and states that it has not caused any loss of light. I am also aware that the Council raised no concerns regarding the impact of the development on the living conditions of the occupiers of any other adjacent properties. However, these are neutral considerations in the planning balance and do not justify the harm that I have found.

Conclusion

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

F Cullen

INSPECTOR