
Appeal Decision

Site visit made on 11 February 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 26th February 2020

Appeal Ref: APP/M5450/D/19/3243622

11 Heritage View, Harrow HA1 3TN

- 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 R Jadunandan against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3620/19, dated 15 August 2019, was refused by notice dated 11 October 2019.
 - The development proposed is two storey side extension involving insertion of two pitcher dormers, one to the front and one to the rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While I note the description of development in the decision notice, I have used the description from the application form in the interests of certainty.

Main Issue

3. While I note the reason for refusal, from the wider evidence, the main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers at No 12 Heritage View (No 12) with particular regard for outlook.

Reasons

4. The proposed two storey side extension would remove the existing hipped roof and introduce a gable end roof design within close proximity to the fence between the host property and No 12. The building of No 12 is not sited directly opposite the appeal building, however, the proposal would project a significant distance above the boundary fence as well as the existing conservatory. Therefore, the proposal would dominate the outlook from the private amenity space of No 12.
5. While I note that part of the shared boundary has tall conifer trees, the part adjacent to the proposed extension has shorter trees such that the proposed extension would be clearly visible from No 12. I also note that the part of the dwelling of No 12 facing the appeal property has a significant amount of fenestration including patio doors such that, given the two-storey height and gable end design, the proposed development would be highly visible from within these spaces. Although I note the steep pitch of the proposed extension

that would be in line with the existing roof, and the width between the proposal and the boundary fence, the proposal would nevertheless replace the hipped roof design with a gable end that would be much closer to the shared boundary. Consequently, the proposed extension would dominate the view from the garden and parts of the dwelling of No 12 and would unduly affect the outlook from these spaces.

6. While I note the evidence regarding the 45-degree code, given that the rear of No 12 faces the side of the appeal site, the layout of these buildings do not form a typical scenario that the code seeks to address. Therefore, I am not persuaded that the application of the code in this particular case demonstrates that there would not be any harm in terms of outlook. In any event, the Supplementary Planning Document Residential Design Guide Adopted December 2010 (SPD) states that the code should not simply be applied on a mechanical basis but always be applied as part of an assessment of the site considerations.
7. I note the lack of objection from the occupiers of No 12, however, this does not override the harm identified. I note the comments of the Inspector for a previous scheme on the site¹. However, that scheme was for a single storey side extension and therefore does not provide a direct comparison with this appeal scheme.
8. Consequently, the proposed development would harm the living conditions of the neighbouring occupiers at No 12 Heritage View (No 12) with particular regard for outlook. Therefore, it would conflict with Policy 7.6B of The London Plan The Spatial Development Strategy For London Consolidated With Alterations Since 2011 March 2016 (London Plan) which among other things seeks development that would not cause unacceptable harm to the amenity of surrounding land and buildings. It would also conflict with Policy DM1 of the Harrow Council Development Management Policies Adopted July 2013 (DMP) which among other things resists development that would be detrimental to the amenity of neighbouring occupiers. The proposal would also conflict with the SPD and the National Planning Policy Framework in this particular respect.

Other Matters

9. I note the evidence regarding the character and appearance of the area, light and privacy. However, from the evidence before me, the Council has not objected in this regard and I see no reason to disagree. I also note local concerns regarding the use of the garage on the site. However, this has not altered my overall decision.

Conclusion

10. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR

¹ Appeal Ref: APP/M5450/A/09/2095241