
Appeal Decision

Site visit made on 29 January 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/M5450/W/19/3233020

14 Alicia Gardens, Harrow, HA3 8JE

- 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 Mrs Pushpa Savani against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0752/19, dated 16 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is first floor side to rear extension, ground floor front and rear extension to facilitate two self contained units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal statement refers to an updated flood risk assessment, in response to the second reason for refusal. However, this was not included on the appeal file, and the Council and relevant consultees have not provided comments on this document.
3. The appeal process should not be used to evolve a scheme¹, and I have not sought to obtain a copy of the updated flood risk assessment. The appeal has been dealt with on the evidence relating to flood risk provided at the time of the original planning application.

Main Issues

4. The effect of the development on:
 - The risks associated with flooding;
 - the character and appearance of the host building and surrounding area; and
 - the living conditions of the occupants of the neighbouring residential property at No.16 Alicia Gardens, with particular regard to light, outlook and overshadowing.

¹ See paragraph M.2.1 of the Planning Inspectorate Procedural Guide: Planning appeals – England (February 2020)

Reasons

Flood Risk

5. The planning application was accompanied by an Environment Agency flood map, dated 16 February 2019, which indicates that the site falls within flood zone 1. Reference is made to advice from the Environment Agency, which states that there is a low probability of flooding.
6. However, the Council's drainage officer confirms that the road Alicia Gardens is subject to surface water flooding. The officer report also makes reference to the site falling within a critical drainage area. As such, there is a risk that the access to and from the residential development will be adversely affected by localised surface water flooding.
7. Whilst the risks to the habitable living accommodation itself would appear to be minimal, I cannot be certain from the evidence before me that it would be possible to access the site from the road, in the event of a flood. This would be a particular issue in the event of an emergency, leading to a risk to the safety of future occupants of the proposed development. As an additional residential unit is being created, the risk is greater than the existing situation.
8. As the likely extent of surface water flooding is not clear, it would not be reasonable to deal with this issue by planning conditions. These would have the potential to make the development undeliverable, as I am not certain the issue set out above can be resolved in the post decision phase.
9. In conclusion, there is unacceptable harm through risks associated with flooding. The proposal conflicts with policies 5.12 of The London Plan (2016), CS1 of the Harrow Core Strategy (2012) ("Core Strategy"), and DM9 of the Harrow Council Development Management Policies (2013) ("DMP"), all of which seek to ensure risks associated with flooding are addressed where new development is proposed.

Character and Appearance

10. The host property comprises one half of a semi-detached pair, with a garden to its rear. It is of a typical suburban style, and the hipped roof appears to be an original feature of the building. Other properties along Alicia Gardens have a similar appearance, when viewed from the road. However, to the rear there are examples of large extensions, including box dormers; resulting in a greater degree of variation in appearance.
11. The rear extension would sit forward of the established building line at first floor level. However, whilst it would span across most of the rear elevation, its total bulk would be modest, due to its limited projection. The footprint of the ground floor extension would replicate the addition found on the neighbouring property at No.16.
12. The rear extension would exhibit a hipped roof which would attach to the existing roof of the building, replicating its style and preserving the existing eaves line. As such, the extension at first floor level would blend in with the host building, appearing visually subservient to it. Given the degree of alteration already apparent to the rear of these properties, which do not fall within any significant public views, the appearance of the extended rear elevation would be appropriate.

13. In other respects, the changes to the front and side elevations would be minimal in scope; reflecting works that have been undertaken on other properties along the road. They would not detract from the appearance of the host building or any visual coherence exhibited by the group in which it is set.
14. Accordingly, there is no harm to the character and appearance of the host building or the surrounding area, arising from this proposal. There is no conflict with policies 7.4 and 7.6 of The London Plan (2016), CS1 of the Core Strategy, DM1 of the DMP, nor the Harrow Council: Supplementary Planning Document Residential Design Guide (2010) ("SPD"); all of which seek to achieve a good standard of design where residential extensions are proposed.

Living Conditions

15. The first-floor extension would be set around 1.3 metres away from the common boundary with No 16, projecting approximately 1.7 metres forward of the main rear elevation of the host property². Because of its limited bulk and set back away from the common boundary it would barely be visible from the first-floor rear windows in No.16. Consequently, it would not appear overbearing, nor would it lead to any material loss of light, outlook, or unacceptable overshadowing.
16. As noted previously, the ground floor element of the extension would project to a similar building line as the equivalent addition to No.16. Consequently, this part of the development would not have any adverse impact on the living conditions of the residents of this neighbouring property. Nor would these modest extensions result in any harm to the living conditions of occupants of any other residential properties in the area surrounding the site.
17. Consequently, there would be no harm to the living conditions of occupants of neighbouring residential properties, as alleged in the first reason for refusal. The proposal complies with policies 7.4 and 7.6 of the London Plan (2016), CS1 of the Core Strategy, DM1 of the DMP and the SPD; all of which seek to achieve a good standard of design where residential extensions are proposed.

Other Matters and Conclusion

18. The proposal is acceptable in most respects. It would provide an additional good quality additional residential unit in an existing urban area, well served by public transport and services. In doing so it would meet the needs of the existing occupant of the building, and the ground floor flat would be designed to be accessible for a wheelchair user³, and private external amenity space would be provided for both units.
19. The scheme is well designed, and provision for parking and waste storage would be achieved. It would help achieve the objective, set out in the National Planning Policy Framework, of delivering a sufficient supply of housing. These considerations, together with the other benefits of the proposal cited by the appellant, weigh in favour of the proposal. However, they do not justify granting planning permission in the face of the risks associated with flooding.

² These measurements are taken from the proposed plans.

³ As set out in the design and access statement.

20. The proposal conflicts with the development plan and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR