
Appeal Decision

Site visit made on 9 September 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/M5450/W/20/3250760

8 Village Way East, Harrow, HA2 7LU

- 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 Sethukavalar Ketheeswaran against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0255/20, dated 23 January 2020, was refused by notice dated 19 March 2020.
 - The development proposed is a single storey ground floor rear extension to the restaurant.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey ground floor rear extension to the restaurant at 8 Village Way East, Harrow, HA2 7LU in accordance with the terms of the application, Ref P/0255/20, dated 23 January 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; EXISTING PLAN AND ELEVATIONS - CDL/8VWE/EX/1, dated 15/01/2020; Proposed Ground floor plan / elevations - (CDL/8VWE/PRO/1), dated 23/01/2020.
 - 3) All new external facing and roofing materials and work of making good shall match the existing building in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the approved drawings.

Main Issues

2. The main issues and the effect of the proposed development on the character and appearance of the area and whether the site is a suitable location for development with regards the risk of surface water flooding.

Reasons

Character and Appearance

3. The appeal site is located within a terrace of commercial properties, often with residential accommodation above. The proposed extension is to the rear of the property in an open back land area that accommodates car parking, industrial premises and residential properties.

4. The immediate setting of the appeal site is of an informal character and appearance, accommodating a variety of uses. The submitted plans show that the host property has been previously extended, the Officer's report confirms that the appeal proposal is a "3.5m deep single storey rear extension attached to an existing 10m deep extension". Furthermore, I note that the materials to be used in the appeal scheme are to match the existing property.
5. The Council acknowledges that other properties nearby have larger extensions, in particular the industrial like shed that accommodates a garage operation. At the site visit I also noted large extensions to other properties.
6. I note the Council's reference to the decision made in respect of the earlier appeal but the appeal before me is for a different proposal and of reduced scale and with materials to match the existing property. In any event each proposal is determined on its own merits.
7. I therefore find that the proposed extension, while of some scale when considered with the existing extensions is nonetheless in keeping with the informal and mixed-use character and appearance of the open back land within which it is located.
8. For the reasons detailed above I find that the appeal proposal would not harm the character and appearance of the area and as such is not contrary to Policies 7.4 and 7.6 of the London Plan, Policy DM1 of the Harrow Development Management Policies, Policy CS1 of the Harrow Core Strategy and the provisions of the SPD which seek new development to be of a high standard of design that has regard to the context of the development.
9. The Decision Notice referred to the Residential Design Guide Supplementary Planning Document (SPD). However, because this proposal relates to a commercial use and property the SPD is not relevant in this instance.

Flood Risk

10. The Council has identified that the site is in an area at risk of surface water flooding and while the appellant refers to the National Planning Policy Framework that at paragraph 164 and footnote 51 exempts some minor development, and specifically small non-residential extensions from the sequential or exception tests, nonetheless the requirement for a site-specific flood risk assessment still remains.
11. The appellant has not submitted a site-specific flood risk assessment. However, I note that the location of the proposed extension is already compacted hard standing and therefore of limited permeability. Furthermore, the proposed extension is of a small scale, detailed by the appellant as being just 16 sqm.
12. Therefore, I find that the potential for the appeal scheme to cause additional flooding at the appeal site or increase the risk of flooding elsewhere is negligible and as such the appeal site is a suitable location for the development proposed with regards the risk of surface water flooding. The appeal scheme is not therefore contrary to Policies 5.12, 5.13, 5.14 of the London Plan, Policy CS1 of the Harrow Core Strategy and Policy DM9 of the Harrow Core Strategy in so far as they relate to flooding.

Other Matters and Conditions

13. A neighbour has objected to the proposed development referring to a number of concerns, including with regards access. At saw at the site visit that the wider back land area is used for informal car parking and while the appeal scheme would remove an area currently utilised for informal car parking, I have no substantive evidence before me to suggest that this would consequently inhibit or prevent access to properties and existing businesses.
14. The Council has not provided a list of conditions which they consider should be imposed if planning permission were to be granted. In the interests of certainty, I have included conditions in respect of the life of the permission, approved plans and in the interests of the appearance of the area, a condition requiring the use of material to match the existing building.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Mark Brooker

INSPECTOR