The Planning Inspectorate

Appeal Decision

Site visit made on 8 September 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date:07 October 2020

Appeal Ref: APP/M5450/W/20/3253108
22 Barchester Road, Harrow HA3 5HH

- 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 Rizwan Govindji against the decision of the Council of the London Borough of Harrow.
- The application Ref P/4119/19, dated 24 September 2019, was refused by notice dated 27 November 2019.
- The development proposed is described as a first-floor rear extension that will increase the bedrooms from the existing 7 to 8 bedrooms with en-suite bathrooms for 16 occupants.

Procedural Matter

1. The Council changed the description of proposed development to: First floor rear extension to create additional bedroom to HMO to allow a total of 16 occupants; external alterations; refuse storage. The appellant has used this description on the appeal form. Given that some alterations would be made to the dwelling in addition to the proposed extension, such as windows on the north-western facing elevation, and a refuse storage area would be provided, I consider this description more accurately describes the proposal. The Council made its decision on this basis and I have done the same.

Decision

2. The appeal is allowed, and planning permission is granted for first floor rear extension to create additional bedroom to HMO to allow a total of 16 occupants; external alterations; refuse storage, at 22 Barchester Road, Harrow HA3 5HH, in accordance with the terms of the application Ref P/4119/19, dated 24 September 2019, subject to the following conditions:

    1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 01, 02C, 03M, 04A.

    3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

    4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows or doors

shall be installed in the south-eastern facing elevation of the extension hereby permitted.

Main Issues

3. The main issues are:

- the effect of the proposal on the character and appearance of the host property and the area, with particular regard to depth, scale and bulk, and
- the effect of the proposal on the living conditions of occupiers of existing properties, with particular regard to noise and disturbance.

Reasons

The effect of the proposal on the character and appearance of the host property and the area

4. The appeal site comprises a two-storey, detached dwelling with hard-standing at the front and a garden to the rear. The plot width is much wider than the width of neighbouring plots. The property has previously been extended with the addition of two-storey side and rear, single-storey rear and single-storey front extensions. It is in use as a Home in Multiple Occupation (HMO) for up to 12 occupants.

5. Barchester Road and the surrounding streets are characterised mainly by two-storey semi-detached dwellings, though there are several detached properties amongst them. Many properties in the area have been extended to varying degrees, of various sizes, including two-storey and single-storey and at the front side and/or rear.

6. The proposed extension would be sited at the rear of the property, above the existing single-storey rear extension, but not as large as its footprint/floor area. It would not project beyond the existing footprint of the property or any of its elevations. The roof height would be no higher than the existing roof height. Due to the above factors it would not be visible from public vantage points. I note the Council's concern that the proposal would be visible from the rear gardens of neighbouring properties. However, due to the details of the proposal as described above, and the presence of various trees within the rear gardens of several neighbouring properties, I consider that a) the character and appearance of the property would not be significantly altered and b) any views of the proposal would be restricted and limited to a small number of households.

7. I therefore conclude that, with particular regard to depth, scale and bulk, the proposal would not harm the character or appearance of the host dwelling or the surrounding area. As such, it accords with Policy CS1 B of the Harrow Core Strategy (2012), (CS), policies DM1 of the Harrow Council Development Management Policies (2013), (HCDMP), policies 7.4B and 7.6B of The London Plan: The spatial development strategy for London consolidated with alterations since 2011 (2016), (the LP), guidance in the Supplementary Planning Document: Residential Design Guide (2010), (SPD), and paragraphs 124 and 127 of the National Planning Policy Framework (the Framework). Collectively, and among other things, these policies and guidance require development to achieve high standards of design and respect and protect the character and appearance of the area.

The effect of the proposal on the living conditions of occupiers of existing properties

8. I appreciate the Council's concern regarding the effect of the proposal on the living conditions of occupiers of existing neighbouring properties. However, given that the property already has permission for use as a HMO for up to 12 people, I am not convinced that the presence of up to an additional 4 people would be substantially different to the current occupancy level. Consequently, with particular regard to noise and disturbance, I conclude that the proposal would not result in unsatisfactory living conditions for occupiers of existing properties.

9. The Council has drawn my attention to an appeal decision in which the Inspector concluded that 14 residents in a HMO would likely lead to increased noise and disturbance in a quiet, suburban residential street. I have not been provided with the details of this case and therefore cannot be sure of the degree to which it is comparable to the current appeal. However, the evidence presented to me suggests that the proposal was for change of use of a dwelling to a HMO, which is significantly different to the current proposal as the property is already in use as a HMO.

10. I therefore conclude that the proposal accords with Policy CS1 B of the CS, policies DM1 and DM30 of the HCDMP, policies 7.4B and 7.6B of the LP, and paragraph 127 of the Framework. Collectively, and among other things, these policies require development to protect the living conditions of occupiers of existing properties.

Conditions

11. I have attached a condition specifying the approved plans to clearly identify the plans that the approval relates to. I have attached a condition specifying materials to protect the character and appearance of the area, and I have attached a condition preventing windows or doors being inserted in the south-eastern facing elevation of the approved extension to protect the living conditions of existing occupiers of the immediate neighbouring property, number 20 Barchester Road.

Conclusion

12. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR