



Appeal Decision

Site visit made on 19 October 2020

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/M5450/D/20/3249424
76 Fernbrook Drive, Harrow HA2 7ED

- 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 Haseeb Khan against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4769/19, dated 13 November 2019, was refused by notice dated 5 February 2020.
 - The development proposed is Front porch; single storey side to rear extension and installation of 1.6m high front boundary wall (Demolition of attached garage and side extension).
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Decision

1. The appeal is dismissed insofar as it relates to the 1.6m high front boundary wall. The appeal is allowed insofar as it relates to the front porch and single storey side to rear extension and planning permission is granted for the front porch and single storey side to rear extension at 76 Fernbrook Drive, Harrow HA2 7ED in accordance with the terms of the application, Ref P/4769/19, dated 13 November 2019, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Procedural Matter

2. At the time of my site visit, I saw that the development had been commenced and appeared to be complete. I noted that there were discrepancies between the plans and the development as built. These changes appear to be the internal layout, the addition of a side door and the change from a window/door to a window to the 'study' as labelled on the application plans. Notwithstanding these discrepancies, there is no dispute between the parties over the footprint of the development as built. I also note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the effect of the development on the living conditions of the neighbouring residents at number 78 Fernbrook Drive, with particular regard to daylight and sunlight.

Reasons

Character and appearance

4. The appeal site is a semi-detached single storey dwelling located in a residential street which is characterised by the uniformity of the appearance and layout of dwellings and their relationship to the street. A distinctive characteristic of Fernbrook Drive is the openness of the street. This is in part due to the uniform appearance and layout of the houses which are set back from the road with open front gardens and driveways. The types of boundary treatment were low in height and included walls, timber fences and shrubbery. The only exceptions that I was able to see at the time of my site visit were taller timber panelled fences to the properties forming corner plots.
5. The wall and fencing has been constructed at the appeal site. It surrounds the appeal property on three sides. The wall itself is lower level with taller pillars to the corners, and slatted inserts between, which also match the slatted pedestrian and vehicular gates. I accept that the neighbouring property has a low level wall, however this is a brick wall and is in contrast to the wall and fence at the appeal site due to its lower level. In addition, the characteristic sense of openness is retained at this neighbouring property due to the lower heights and absence of gates. Whilst there are some render features through the street, the wall, being painted a light colour, adds to the stark contrast to other boundary treatments in the area. The effect of the gates, panels and rendered wall is to create an enclosed courtyard.
6. Progressing along Fernbrook Drive, there are very few, if any, enclosed front driveways and gardens. I consider that the wall, fencing and gates introduce an alien and unduly prominent enclosing feature which is not characteristic of the street. This would result in conflict with Policies 7.4 and 7.6 of the London Plan¹ and Policy CS1 of the Core Strategy² and Policy DM1 of the Harrow Development Management Policies³ ("Development Management Policies"). Amongst other things, these policies seek to ensure that new development is of high quality and standard and has regard to the form, function and structure of a street and has regard to the pattern and grain of existing spaces and streets as well as being of appropriate proportions with details that complement the local architectural character.
7. I conclude that the wall, fencing and gates as constructed cause material harm to the character and appearance of the area and are therefore contrary to the policies of the London Plan, Core Strategy and Development Management Policies as described above.

Living Conditions

8. I was able to see that the development sits close to the boundary between the appeal site and the neighbour at number 78 Fernbrook Drive. The extension is single storey, and I note that the depth of the extension remains at 3.5m as granted for a previous proposal⁴. The Council says that the depth of this previously approved extension was justified by the maximum height of 3m.

¹ The London Plan – The Spatial Development Strategy for London Consolidated with alterations since 2011 (March 2016)

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³ Harrow Council Development Management Policies (July 2013)

⁴ P/0495/18

The extension as built has a height of between 3.3m-3.45m. I was able to see at my site visit that the extension abuts the existing roof just above the eaves level and that there is a full height patio door and window opening available to the adjacent room for number 78.

9. The Council says that the increased height of the extension exacerbates the amenity impact by way of outlook, loss of light, overshadowing and overbearing. It is also stated that the extension would exceed the recommended depth and height for rear extensions of semi-detached properties and that the increased height would result in a greater amenity impact.
10. Whilst I accept that the rear extensions may be in some conflict with the guidance within the Supplementary Planning Document⁵, I consider that the increase in height as described above does not result in significant harm overall.
11. Notwithstanding the above, I must have regard to the extant planning permission which is identical in all other respects. I am not persuaded that the slight increase in height would significantly alter any impacts on living conditions to residents at number 78 from any loss of daylight or sunlight than would already be created by the extant permission.
12. I therefore conclude that the proposal would not significantly harm the living conditions of the adjoining occupier at number 78 through the impact of the development on daylight and sunlight. Thus, it would not conflict with the requirements of Policy DM1 of the Local Plan, Policies 7.4B and 7.6B of the London Plan or The National Planning Policy Framework, which seek, amongst other things, to ensure that living conditions of all occupiers are protected.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the front porch and single storey side to rear extension, but dismissed insofar as it relates to the 1.6m high front boundary wall.

Rebecca Thomas

INSPECTOR

⁵Supplementary Planning Document: Residential Design Guide (December 2010)