



Appeal Decision

Site visit made on 5 November 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/M5450/D/20/3255275
79 Wemborough Road, Stanmore HA7 2EB

- 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 Murtaza Khimji against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0688/20, dated 22 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed was originally described as: 'This proposal is for extending the existing home to accommodate a growing family and an elderly mother. The proposal is for a 3.30mt wide x 1.00mt deep single storey side extension and a 3.30mt wide x 4.72mt deep double storey side extension to accommodate a bedroom for the elderly mother on the ground floor and additional bedroom and en-suite bathroom of the first floor.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the character and appearance of the area; and
 - ii) the living conditions of the occupants of 77 Wemborough Road.

Reasons

Character and appearance

3. In refusing planning permission, the Council allude to drawing inaccuracies, suggesting that a true assessment of the character and appearance of the area could not be undertaken. It is unclear why the Council did not request this matter to be corrected through the application process. Such an approach would have enabled the Council to carry out a full analysis of the proposal thereby providing the appellant with a clear view in relation to the Council's thoughts on the proposed extension.
4. However, based on the evidence before me, it is clear that there is a drawing error in the proposed elevations which would alter how the extended dwelling would be perceived in the street scene. The proposed elevations show a conventional two storey side extension with a reduced ridge height and set back at first floor level. In isolation, I am satisfied that this element of the proposal would be appropriate. However, the appeal site already benefits from

a two storey side projection which currently sits beneath a small hipped roof. The floor area provided by this projection is proposed to be retained and its form is shown unchanged on the proposed rear elevation. Despite this, the proposed side elevation implies that this projection would be consumed under a wider spanned roof which would increase the ridge height of the existing dwelling.

5. Upon close inspection of the proposed first floor plan, the roof outline confirms such a roof form but this has not been demonstrated on the proposed front elevation. Accordingly, the drawings do not present an accurate portrayal of the proposed extension and it is not clear how the roof would appear with the drawing corrected. Therefore, using a condition to secure revised drawings would not provide sufficient certainty and consequently, such an approach would be unreasonable.
6. The surrounding houses have a consistent roofscape with hipped roofs and broadly consistent ridge heights. Should the proposal increase the ridge height of the existing dwelling in the manner suggested, this would be harmful to the rhythm found within the street scene and as a consequence, detrimental to the character and appearance of the area.
7. Well-considered extensions can make effective use of land and therefore such development can be entirely consistent with the National Planning Policy Framework. Based on the evidence before me, the principle of extending the dwelling is not in dispute and I note the apparent similarities with other examples brought to my attention. However, for the reasons identified above, the addition would fail to complement the existing building and wider street scene. Accordingly, based on the evidence before me, I conclude that the proposal would harm the character and appearance of the area. It would therefore fail to comply with Policies 7.4 and 7.6 of the London Plan (2016), Policy D3 of the London Plan (2019) – Intend to Publish version, Policy DM1 of the Harrow Development Management Policies Local Plan (2013) (DMP) and guidance contained within the Residential Design Guide Supplementary Planning Document (2010) (SPD). Taken together, these seek amongst other things, high quality design.

Living conditions

8. The proposed extension would be located close to the shared side boundary with No 77. However, due to the siting of the two properties, they have a splayed relationship with the space between the houses being wider at the front and narrowing to the rear. No 77 has previously been extended to the side and the side elevation which faces the appeal site contains two facing windows.
9. The Council state that the proposal would have an impact on a protected window within No 77 due to the intersection of a 45 degree line. However, no substantive evidence has been provided in relation to the severity of this impact. The SPD states that the 45 degree code is intended to maintain a reasonable relationship between existing buildings and extensions, avoid overbearing visual impacts and reduce potential loss of light and overshadowing. Moreover, it states that the code should not simply be applied on a mechanical basis but applied as part of an assessment of specific site considerations.

10. The facing elevation of the neighbouring extension contains a window with obscure glass and a side access door. Due to the nature of these openings, I am satisfied that the proposal would not materially harm outlook. Moreover, because they are already in close proximity to the existing flank elevation of the appeal site, daylight is already restricted. As a consequence, the resultant impact would not be significant.
11. The neighbouring extension also contains rear facing windows which would gain oblique views of the proposed extension due to the siting of the two properties. However, these windows already look towards a two storey side projection on the appeal site. The proposal would therefore be seen in the context of this section of building, and as a consequence, I am satisfied that it would not materially alter outlook or the degree of daylight received by the neighbouring property.
12. Consequently, for the reasons identified above, I conclude that the proposal would not harm the living conditions of No 77. It would therefore accord with Policy 7.6 of the London Plan (2016), Policy D3 of the London Plan (2019) – Intend to Publish version, Policy DM1 of the DMP and guidance contained within the SPD. Taken together, these seek amongst other things, development which has regard to any impact on neighbouring occupiers.

Conclusion

13. For the reasons identified above, the appeal is dismissed.

Martin Chandler

INSPECTOR