



Appeal Decision

Site visit made on 10 November 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/M5450/W/20/3252316

2-6 Stanmore Residential Home, Jersey Avenue, Stanmore HA7 2JQ

- 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 C Chambers – Pathfinder Group against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0250/20, dated 22 January 2020, was refused by notice dated 1 April 2020.
 - The development proposed was originally described as 'Two side extensions to new rear extension to create enlarged lounge/dining area for Residential Care Home creating enlarged wheelchair adaptable unit, with following changes to ground floor flat 6 to be used as office, flat 11 and 12 to be extended, new plant room to be inserted and kitchen/lounge/dining area to be re-configured'.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension; layout alterations to create two additional rooms with ensuite facilities at 2-6 Stanmore Residential Home, Jersey Avenue, Stanmore HA7 2JQ in accordance with the application Ref. P/0250/20, dated 22 January 2020, subject to the following conditions:
 - (1) The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev B (Existing OS Plan), 005 Rev F (Proposed Ground Floor GA), 006 Rev E (Proposed First Floor GA), 007 Rev E (Proposed Loft Space GA), 009 Rev E (Proposed Elevations) and 011 Rev E (Proposed Roof Plan).
 - (3) Notwithstanding the details on the approved drawing No 009 Rev E, the development shall only provide a single window opening to the side elevation of the extension facing No 8 Jersey Avenue in accordance with the approved drawing No 005 Rev F.
 - (4) Before development commences, details of a 2.0 metre high fence to be aligned with the proposed ground floor window to the side elevation of the single storey rear extension facing No 8 Jersey Avenue, shall be submitted to the Local Planning Authority. The details shall include the precise position, materials and height of the fence relative to the proposed window. Once approved in writing by the Local Planning Authority, the approved fence shall be erected prior to the first

occupation of the extension and shall be retained thereafter unless it is replaced with a fence of the same position, materials and height.

Procedural Matter

2. For the purposes of my decision, I have taken the more concise description of the development used on the Council's decision notice and the appeal form.
3. I noted on my site visit that building works were being undertaken which did not correspond with the plans submitted in respect of this appeal. I have written to the parties seeking clarification. The appellant has responded confirming that there is a 'prior permission' for an alternative scheme on the site. However, it remains unclear whether the works I saw being undertaken have planning permission or not. In any event, I have assessed the appeal proposal on its own merits.
4. I have written to the Council asking for confirmation as to what '044/EX/002' refers to in their suggested plans and documents condition. I have not received a response. I have therefore assessed the proposal on the basis of the plans and details before me.

Main Issue

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - living conditions for occupiers of the neighbouring dwelling at No 8 Jersey Avenue with particular regard to outlook, light and privacy.

Reasons

Character and appearance

6. Jersey Avenue includes a mix of property types including residential care homes, bungalows and two-storey dwellings. Therefore, whilst there is a prevailing residential character, there is variation between the scale and appearance of buildings and their relative plot sizes. The buildings at Nos 2 – 6 Jersey Avenue incorporate a mix of architectural styles. Their combined scale and the associated curtilage are larger than the single dwellings on Jersey Avenue and Queens Avenue which share boundaries with the site. However, this reflects the established use as a residential care home and the associated buildings sit relatively comfortably within their surroundings.
7. The proposed extension would increase the footprint of the existing single storey rear projections, particularly to the side of the building closest to the boundary with No 8 Jersey Avenue. The extension would be visible from rear windows and gardens serving neighbouring properties. However, this alone does not mean it would be harmful to the character and appearance of the area. It would be appreciated as a subservient addition to the residential home that it would serve. Given their width and height, the two-storey elements of the building would remain as the dominant structure on the site and would not be subsumed. A significant proportion of the substantial rear gardens would be retained and this would also assist in assimilating the development into the wider residential setting.

8. I conclude that the development would not result in material harm to the character and appearance of the area. In that particular regard, the development would comply with the parts that seek to protect local character and appearance and amongst other things require extensions to respect their host building within Policies 7.4 (Local Character) and 7.6 (Architecture) of The London Plan (2016), Core Policy CS1 (Overarching Policy) of the Harrow Core Strategy (2012) (CS) and Policy DM1 (Achieving a High Standard of Development) of the Harrow Development Management Policies Local Plan (2013) (DMP).

Living conditions for occupiers of No 8 Jersey Avenue

9. Part of the proposed extension would be likely to be visible over the boundary fence from the windows and garden serving No 8. Even so, the extension would be set in from the boundary, as are the nearest main habitable windows serving the conservatory at No 8. The neighbouring conservatory is also served by glazed elevations to its rear elevation and to the side elevation furthest away from the boundary with the appeal site. Having regard to the depth and single storey scale of the extension and the spacing described, I am satisfied that the development would not be overbearing and that suitable levels of outlook would be retained for occupiers of this neighbouring property.
10. Given the orientation of No 8 relative to the appeal site, there is the potential for some effect on levels of sunlight received in the afternoon, particularly in respect of the side elevation windows facing the appeal site and the part of the neighbouring garden that sits closest to the development. However, any overshadowing caused by the extension would be unlikely to result in material harm to the living conditions of occupiers of No 8. This is particularly the case given the extent of overall glazing serving the neighbouring conservatory and the size of the garden serving No 8 which would retain an open aspect for the neighbouring occupiers and ensure that the property benefits from adequate levels of daylight.
11. A single bedroom window would be provided to the side elevation of the single storey extension facing the boundary with No 8 Jersey Avenue. This window would sit in relatively close proximity to the shared boundary with this dwelling and face towards the clear glazed side elevation of the neighbouring conservatory. The existing fence height has the potential to allow for views from the window into the neighbouring property. The window would serve a bedroom and therefore a condition requiring that it be obscure glazed would negatively impact on the means of outlook for occupiers of the appeal building. Alternatively, a condition requiring a fence up to 2.0 metres in height, aligned with the window would provide an acceptable means of outlook for the bedroom whilst also ensuring that suitable levels of privacy would be retained for neighbouring occupiers.
12. I conclude that the development would have an acceptable relationship with the living conditions of occupiers of No 8 Jersey Avenue with particular regard to outlook, light and privacy. In that particular regard, the development would comply with the part which seek to protect neighbouring amenity in Policy 7.6 (Architecture) of The London Plan (2016), Policy DM 1 (Achieving a High Standard of Development) of the DMP.

Other Matter

13. The Council's decision refers to Policy D1 (London's form, character and capacity for growth) of The London Plan -intend to publish version (2019). I have not identified any conflict with this policy which sets out criteria for London Boroughs to undertake area assessments and to prepare Development Plans. The Council's decision also refers to the guidance in their Supplementary Planning Document Residential Design Guide (2010) (SPD). This guidance relates primarily to new residential development, conversions of houses to flats and householder development. I have given regard to the SPD as a material consideration, insofar as amongst other things it seeks to ensure development proposals respond appropriately to the character and appearance of the area. However, it does not alter my conclusions when the proposals are assessed against the relevant policies of the development plan.

Conditions

14. A condition to confirm the approved drawings is required in the interests of certainty. The revised ground floor plan (005 Rev F), which shows a single window opening to the side elevation of the extension facing No 8 Jersey Avenue, does not correspond with the proposed elevations drawing provided (009 Rev E) which shows three windows to this elevation. Given the appellant's clear intention to provide a single window to this elevation, a condition is reasonable and necessary to confirm that the development is carried out in accordance with the revised floor plan. The appellant has also confirmed their intention to erect a 2.0 metre high fence to the boundary with the neighbour at No 8 Jersey Avenue. A condition is reasonable and necessary to ensure a fence is provided in a timely manner and that it is aligned and of a specification to provide an appropriate means of screening to protect neighbouring privacy.
15. The Council's suggested conditions include a condition specifying that external surfaces match those on the existing building. The drawings confirm that the extension would be rendered to match the existing building and such condition is therefore not necessary. With regards to a condition specifying that no windows or doors be installed in the flank elevations of the development, the approved plans condition requires the development to be completed in accordance with the drawings provided. The only window to the flank elevation of the extension would be screened by the fence required by separate condition. Once completed, any additional windows or doors would require planning permission. Such a condition is therefore not necessary in this instance.
16. A request for a drainage layout showing surface and foul water drainage details was made during the application process. The proposal extends an existing building with its existing drainage system. The provision of suitable surface and foul water drainage is a requirement of the building regulations and it is therefore not been necessary to include a condition in this instance.

Conclusion

17. For the reasons set out, the appeal is allowed.

M Russell

INSPECTOR