



Appeal Decision

Site Visit made on 16 December 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2021

Appeal Ref: APP/M5450/W/20/3256527
42 Marlborough Hill, Harrow HA1 1TY

- 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 Mark Roche against the decision of London Borough of Harrow.
 - The application Ref P/4937/19, dated 19 November 2019, was refused by notice dated 27 January 2020.
 - The development proposed is conversion of HMO into 4 flats (2 X 2 bed, 2 X 1 bed and 1 X 3 bed); two storey side extension; single and first floor rear extension; single storey side extension to other side; alterations to roof to form gable end and construction of rear dormer; installation of 6 rooflights on front and side roofslopes; external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description used above is taken from the appellant's appeal form. This differs to that given on the original application. However, I am satisfied this provides a clear and accurate description of the proposal.

Main Issue

3. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of 44 Marlborough Hill, with particular regard to outlook, sunlight and daylight; and
 - the living conditions of future occupants, with particular regard to internal space standards.

Reasons

Character and appearance

4. The appeal relates to an end terrace property in a predominantly residential area. A number of disparate alterations are proposed that would substantially change the scale, character and appearance of the building.
5. The proposed box dormer would be an extremely large and bulky feature. While it would be inset from the sides, it would not be set back significantly from the eaves or ridge of the roof. This would not comply with the Harrow

Residential Design Guide Supplementary Planning Document (RDG)(2010) which suggests dormers should be inset by 1 metre from the eaves. The resulting impression would be of an unduly large, dominant and intrusive feature on the roof slope.

6. The ridge of the existing two storey outrigger's roof would also extend up partially through the middle of the dormer's front elevation. This would create a jarring visual relationship between the two elements. This would also result in the middle window of the dormer being smaller and offset from the centre. The asymmetrical appearance of the fenestration would emphasise the awkward appearance of the dormer. This would not constitute a good standard of design.
7. The appellant has drawn my attention to other dormers in the area, including that at No 35. However, no details of this have been provided. As such, I cannot conclude that it is directly comparable to the proposal before me. I also saw examples of large box dormers on properties in nearby streets. However, these are also not comparable to the proposal, particularly in terms of the relationship with the outrigger and cumulative impacts. While there is little doubt there will be situations where dormers are acceptable, there are specific features of this development's design that I consider inappropriate. On this basis, these examples do not alter my conclusion.
8. The two storey side extension would introduce a new flat roofed component at a high level of the building. This would not complement any of the existing features of that height. It would therefore introduce an incompatible and incongruous feature. When all other alterations are considered, this would contribute to an incoherent overall appearance.
9. The appellant has drawn my attention to the neighbouring flats. However, flat roofs are part of their fundamental design. The development would however relate to a more traditional terraced building with hipped and pitched roof elements. Even if the main roof were to change from hip to gable, the extension would nevertheless be an unsympathetic addition.
10. The physical sub-division of the garden would lead to a preponderance of fencing in a relatively small area. Even if this were conditioned to be no taller than 1 metre in height, there would be an obvious change in character from a relatively large open garden to small pockets of space. There is nothing before me to suggest this is a prevalent feature of the locality. As such, the sub-division would not be in-keeping with local character. Moreover, it would appear as an over-intensive use of the space. When coupled with the overall scale of the extensions proposed, the change to the character of the garden would only add to my concerns regarding the cumulative impact of the development.
11. In isolation, the other elements of the development would not be objectionable in terms of their appearance. However, when combined with other inappropriate alterations, the whole would appear as an unduly large and uncoordinated form of development. This would detract both from the character of the host dwelling and the wider area. Irrespective of the site's location at the end of the terrace, or the nature of neighbouring development, this would not constitute a coherent or good quality form of design.
12. I have also had regard to the fact the alterations are mainly to the rear and that there is a degree of screening available. This mitigates the harm to an

extent. However, I saw that the dormer in particular would still be visible from parts of Milton Road. Although this view would be filtered by trees for some parts of the year, the large and unwieldy nature of the development would still be discernible from this location. The incongruous nature of the development would also be visible from the private views of neighbours. In addition, both local and national policy require development to be of a good standard of design. There is nothing to suggest that poorly designed and unsympathetic developments are acceptable if they are not visually prominent. Additional landscaping or conditions on materials would not resolve these concerns.

13. I therefore find that the development would cause unacceptable harm to the character and appearance of the area. Accordingly, there would be conflict with policies 7.4 and 7.6 of the London Plan (LP)(2016), Harrow Core Strategy (HCS)(2012) Policy CS1, Harrow Development Management Policies Local Plan (HDMPLP)(2013) Policy DM1 and the RDG. Amongst other things, these seek to ensure development is of a good standard of design that complements the character of the local area.
14. The Council has referred to the Draft London Plan (DLP) in its decision notice. This is at a late stage of preparation and thus carries significant weight. The development would be at odds with Policy D6, which also seeks to ensure a high quality of design. The Council has also referred to Policy D4 which relates to the design process itself and is of limited relevance.

Living conditions – neighbours

15. There is currently a relatively narrow gap between the two-storey outriggers of No 42 and No 44. The single storey extension would project from the rear wall by around 4 metres along the common boundary. This would result in the gap becoming substantially narrower than at present.
16. While the appellant has questioned the planning status of No 44, it is acknowledged that there are habitable room windows which look out across the gap. The outlook from these windows is already likely to be relatively constrained. The development would result in a large expanse of blank wall in close proximity to some of these windows. This would have a very different impact to that of the existing boundary wall which is only around 1 metre tall.
17. Based on the evidence before me, I therefore consider that the extension would create an unwelcome sense of enclosure and confinement. This would tangibly diminish the enjoyment of these rooms to the detriment of the occupier's living conditions. The appellant has indicated that there is a secondary outlook from the rear of the property. However, I have insufficient evidence about the internal arrangements of the building to be satisfied that the development would not have an unacceptable impact. Any benefits derived from removing opportunities for overlooking between facing windows would not outweigh the harm caused.
18. The scale, height and proximity of the outrigger is already likely to be having some impact on daylight and sunlight reaching the affected windows. The evidence from either party on this issue is limited. Nevertheless, I am not persuaded that the existing situation would deteriorate to such an extent that it would be considered harmful. However, this does not alter my concerns in relation to the overbearing impact of the development.

19. I therefore find that the development would have an unacceptable impact on the living conditions of neighbours. Accordingly, there would be conflict with LP Policy 7.6, HCS Policy CS1, HDMLP Policy DM1, the RDG and DLP Policy D3. Amongst other things, these seek to ensure development does not result in unacceptable harm to the living conditions of nearby residents.

Living conditions – future occupants

20. The appellant has submitted plans which suggest it would be possible for ceiling heights to meet the Nationally Described Space Standards (NDSS) for the majority of the internal living area. The Council has not disputed this and I am satisfied that their concerns could be adequately addressed.
21. There is nothing before me therefore which suggests the development would be harmful in terms of either ceiling heights or any other aspect of internal space. In this regard, there would be no conflict with LP Policy 3.5, HDMLP policies DM1 and DM26, the Mayor of London's Housing Supplementary Planning Guidance (2016), the RDG or DLP Policy D6. These seek, amongst other things, to ensure development complies with the NDSS and does not harm the amenity of future occupiers.

Other Matters

22. The appellant has suggested that the policies in the Development Plan should be considered out of date, as they pre-date the National Planning Policy Framework (the Framework). However, paragraph 213 of the Framework states that existing policies should not be considered out of date on this basis. The relevant policies in this case all appear to be consistent with the Framework. In particular, paragraph 127 which includes requirements for development to function well, be visually attractive, sympathetic to local character and ensure good standards of amenity for current and future users. On this basis, I see no reason not to afford the policies full weight.
23. I acknowledge that the development would provide accommodation of an acceptable standard and make efficient use of the building. There are clearly benefits to be derived from providing housing which meets the NDSS. However, there is nothing to suggest that similar benefits could not be achieved without the same degree of harm. As such, this does not outweigh my concerns.
24. There would be no harm to neighbouring occupants as a result of the use of the garden. There would also be no harm in terms of parking or highway safety. Nevertheless, a lack of harm in these respects is neutral and weighs neither for nor against the development.
25. Having regard to the above, there are no material considerations that would outweigh my concerns or the resulting conflict with the Development Plan.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR