



Appeal Decisions

Site visit made on 18 May 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2021

Appeal A - Ref: APP/M5450/W/20/3263501

35 Lower Road, Harrow, Middlesex HA2 0DE

- 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 J Choudhry against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4738/19, dated 4 November 2019, was refused by notice dated 25 August 2020.
 - The development proposed is described as: 'side gable, rear dormer and front Velux with loft conversion'.
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Appeal B - Ref: APP/M5450/W/20/3263509

35A Lower Road, Harrow, Middlesex HA2 0DE

- 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 J Choudhry against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4705/19, dated 25 October 2019, was refused by notice dated 25 August 2020.
 - The development proposed is a single storey rear extension.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matters

3. For clarity, on Appeal A, no date has been given on the declaration of the application form. I have therefore, in this instance, used the received date given on the Council's decision notice.
4. For clarity and precision, I have taken the property numbers from the application forms as they are more accurate and correspond with the development on the Council's decision notices, compared to the site addresses given on the appeal forms. I have also taken the postcode in the banner heading on both Appeal A and Appeal B from the Council's decision notice and the wider evidence as it is more accurate than that given on the application and appeal forms.
5. As set out above there are two appeals on this site. Whilst the appeal schemes differ, they are in proximity of each other and for the same appellant. I have

considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

6. Revised plans have been submitted with both Appeal A and Appeal B after the decisions by the Council was made. I have not taken these into consideration as they have not benefitted from a full consultation exercise undertaken by the Council. In determining this appeal, I have therefore only considered the plans that formed the basis of the Council's refusal of planning permission on both Appeal A and Appeal B.
7. The London Plan 2021 (LonP) has been published by the Mayor during the course of Appeal A and Appeal B. The LonP comprises the spatial development strategy for London and is now part of the development plan, to which I attribute full weight to its policies. Both main parties were given the opportunity to comment on any implications for the appeals, although no comments have been received. In this instance, I will not prejudice either party in taking the LonP into account in the determination of these appeals.

Main Issues

8. The main issues of these appeals are:
 - i. whether the proposed development in Appeal A, would preserve or enhance the character and appearance the appeal site and the Roxeth Hill Conservation Area (RHCA); and,
 - ii. whether the proposed development in Appeal B would provide satisfactory living conditions for its occupiers, with regards to outlook and daylight.

Reasons

Appeal A

9. The National Planning Policy Framework (the Framework) requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 192 of the Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of development making a positive contribution to local character and distinctiveness.
10. The appeal site comprises the upper floors of the host property, which has been sub-divided into 2no. flats at some point in its past. The site is located within the RHCA, which was first designated as a Conservation Area in 1969. The site is located within sub-character area 1 of the RHCA, known as Roxeth Corner. The site and the neighbouring properties on the same side of the road form the western edge of the RHCA. The significance of this part of the RHCA is the urban character created due to the width of the main road and heightened by a lack of parking and the high density of development. The site forms part of two pairs of late 19th Century semi-detached buildings, constructed from red brick, each with two storey bay windows on the front elevation, which in turn provide the larger and most distinctive decorative cluster of properties on Lower Road. This positively contributes to Roxeth Corner sub-character area and the wider RHCA.

11. The proposed development through its design and form, with particular regard to the gable end would result in an incongruous addition that would dominate the roof, fundamentally altering its shape and unbalancing its form and relationship with its neighbouring dwellings, in particular the adjoining house. The resulting significant adverse effect on the host property would be readily visible in the street scene to the detriment of the character and appearance of the surrounding RHCA. The removal of the rear chimney and its stack is also a misgiving in the proposed development.
12. I agree with majority of the findings within the appellant's Heritage Statement¹, especially surrounding the rear elevation of the host property and how the painted front wall at ground floor detracts from the appearance of the host property and the appearance of the 3no. other similar neighbouring properties. Nonetheless, the proposed development involves a hip to gable conversion, which would be readily visible from public land on Lower Road. The host property has retained a clear sense of balance and symmetry relative to the adjoining property, which accordingly contributes towards a positive feature of the wider street scene.
13. Consequently, it has not been demonstrated that the proposed development would not have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of paragraph 196 of the Framework. To allow the proposal the resultant harm would need to be clearly outweighed. Additionally, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out that in the exercise of planning functions with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
14. The proposal would provide additional accommodation at No 35 for its occupiers, but this would amount to a private benefit. In this instance, I find little public benefit associated with the proposed development that would outweigh the harm to the significance of the RHCA. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. On the details before me, I consider the proposed development fails to accord with this duty.
15. My attention has been drawn to other development in the locality. However, relatively little detail has been provided regarding the particular planning backgrounds. Without such information a full and detailed comparison between existing development and the case before me cannot be made, except insofar, I was able to observe and assess the other sites at my visit. In any event, the fact that other development may exist, even if there are similarities to the appeal scheme, is not a reason, on its own, to allow otherwise unacceptable development.
16. For the reasons given above, I therefore conclude that the proposed development would not preserve or enhance the character and appearance of the appeal site or the RHCA. This would be contrary to the heritage, design, character and appearance aims of LonP Policies D3 and HC1.C, Policy CS1 of the Harrow Core Strategy 2012, Policies DM1, DM7 of the Harrow Council Development Management Policies 2013 (DMP), Section 6 of the Council's Residential Design Guide Supplementary Planning Document 2010 (SPD), the

¹ Heritage Statement undertaken by Heritage Collective dated March 2020

RHCA Appraisal and Management Strategy and the requirements of the Framework.

Appeal B

17. The appeal site comprises the ground floor of the host property. The proposed development is to extend the existing bedroom through a flat roof single storey rear extension. This extension would infill the space between the shared boundary wall with No 37 Lower Road and the existing 2-storey rear outrigger/single storey rear extension, extending no further than the existing rear elevation.
18. Given the modest distance between the existing 2-storey rear outrigger/single storey rear extension and the shared boundary wall, the existing bedroom window already experiences a minor form of tunnelling, restricting the outlook. This is slightly compounded by the increase in levels towards the rear of the site due to the surrounding topography. I consider that whilst the window would be moved further away from the bedroom area, it would nonetheless, serve the enlarged room and its study area. Thus, I am not convinced that the outlook to this room would be compromised, given the existing physical situation.
19. Nonetheless, I do have concerns with regards to light in the bedroom area. Due to the length of the proposed room, daylight to the bedroom area would be severely limited. I note in the drawings submitted after the Council made its decision that the appellant has suggested that a roof light could be installed on the flat roof, which would likely address this issue. However, for the reasons given at the outset of this decision and to ensure that potential interested parties are not prejudiced, I am unable to take the revised plans into consideration. Additionally, I find that a suitably worded condition could not be imposed in this instance, to ensure that otherwise unacceptable development could be made acceptable.
20. For the reasons given above, I therefore conclude that the proposed development would not provide satisfactory living conditions for occupiers of the appeal property, through a notable lack of daylight to the bedroom area of the proposal. This would be contrary to the amenity aims of LonP Policy D3, DMP Policy DM1, the SPD and the requirements of the Framework.

Other Matter

21. I recognise the desire of the appellant to develop both No 35 and 35A, but on the evidence before me this is not a reason to grant permission in the face of the harm identified. I have considered both appeal proposals on their own merits and concluded that they would cause harm for the reasons set out above.

Conclusions

22. For the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

W Johnson

INSPECTOR