



Appeal Decision

Site visit made on 25 May 2021

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/M5450/C/20/3248703

11 Chantry Close, Harrow HA3 9QZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr M Baraka against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice was issued on 5 February 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a porch to the front of the premises AND without planning permission, the erection of a timber frame canopy extension to the rear of the premises.
 - The requirements of the notice are:
 - STEP 1 Demolish the porch to the front of the premises.
 - STEP 2 Remove the timber frame canopy extension to the rear of the premises.
 - STEP 3 Remove all items, materials and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the erection of a timber frame canopy, at 11 Chantry Close, Harrow HA3 9QZ.
2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to the porch to the front of the house and planning permission is refused in respect of the porch on the application deemed to have been made under s177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

3. The main issues are the effect of the porch and timber canopy extension on the character and appearance of the area and, the effect of the timber canopy on the living conditions of the neighbouring occupiers with particular regard to outlook.
4. 11 Chantry Close is a semi-detached house located in a cul-de-sac which is characterised by semi-detached houses. At my site visit, I saw that a number of houses in the vicinity of the appeal site had extensions to the side and their appearance has been changed by replacement windows and the addition of front porches, such that for the most part the original detailing and symmetry that existed in the pairs of houses at the front, has been lost.

Porch

5. A number of porches have been erected within the cul-de-sac, which the appellant referred to, in a variety of architectural forms and there is no dominant type of porch design. Nevertheless, whilst none are of any particular architectural merit, their scale and proportions respect and reflect the scale of the houses to which they are attached.
6. Irrespective of the sensitivity of this context, the National Planning Policy Framework (the Framework) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Further, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
7. The porch the subject of the notice, due to its scale, has an awkward relationship with the house, in that it overlaps the projecting front elevation and extends close to the underside of the first-floor bay window. In this regard the porch lacks architectural subtlety and as such, I find that it detracts from the character and appearance of the house with consequent harm to the character and appearance of the surrounding area.
8. The use of materials to match the house is a positive aspect of the development but does not outweigh the harm I have identified to the house as the position, depth, width, and height of the porch is particularly discordant.
9. The porch at 7 Chantry Close is of a similar scale to the appeal development but is not directly comparable in design. In any case, the Council have no record of permission being granted for this development and its existence does not provide a strong argument to justify the appeal development.
10. The appellant has referred to their permitted development rights as a potential fallback position but I have seen nothing to suggest they would genuinely pursue this option if the appeal failed or that such a development would be similar to, or materially worse than, what has been built. As such, it is a matter of negligible weight.
11. Overall, for the reasons given I find that the porch causes unacceptable harm to the character and appearance of the house and surrounding area contrary to Policy DMP1 of the London Borough of Brent Local Plan November 2016 Development Management Policies (DMP) which requires development to be of a scale and design that complements the locality. It also conflicts with the design aims of the Framework and the Council's SPD¹.

Timber canopy

12. The appeal property and those neighbouring and surrounding houses in the cul-de-sac have fairly generous gardens with the boundaries between the appeal site and the neighbouring houses consisting of a relatively tall fence.
13. The canopy is constructed from timber with a roof formed of open timbers covered with what appears to be a transparent plastic. It is constructed over timber decking, adjoining a single storey extension to the rear of the house and

¹ Residential Extensions & Alterations SPD 2 Jan 2018

is visible from the gardens and upper floor windows of the nearest neighbouring houses however, there are no wider public views.

14. As a result of its open sides and transparent roof, the canopy has a lightweight, translucent appearance which has no material effect on the character and appearance of the house. In addition, it is a structure that is often a feature of domestic curtilages. Whilst it is relatively substantial, in this generous domestic setting, I do not find the development appears incongruous or unsympathetic.
15. I therefore conclude that the timber frame canopy causes no harm to the character and appearance of the house or the wider area and there is no conflict with the overall design aims of Policy DMP1 of the DMP, the Framework or the SPD.
16. Whilst the canopy projects above the fences, given that it is open sided and the roof is lightweight and essentially translucent, I find that it has no overbearing impact on the outlook from within either the houses or gardens of neighbouring properties. Consequently, there is no conflict with the amenity protection aims of Policy DMP1 of the DMP, the Framework or the SPD.

Conclusion

17. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for the timber frame canopy but otherwise I will uphold the notice and refuse to grant planning permission in respect of the porch to the front of the house. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of the Act.

Felicity Thompson

INSPECTOR