



Appeal Decision

Site Visit made on 21 June 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/M5450/D/21/3268213

25 Nelson Road, Stanmore HA7 4ES

- 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 B Harte against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3132/20, dated 31 August 2020, was refused by notice dated 13 November 2020.
 - The development proposed is described as, "Single Storey Rear Extension (Retrospective Application)".
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Decision

1. The appeal is dismissed.

Application for costs

2. The appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Preliminary Matters

3. The appeal scheme involves some retrospective development which at the time of the application had commenced and at the time of my site visit was substantially built.
4. The appellant has presented me with another drawing, referenced 'Proposed Section AA Rev A', to clarify that the proposed roof overhang would be cut back. However, in my view, this suggested cut back of the roof overhang is not readily apparent from Drawing Ref 01 (Rev F), dated October 2017. The overhang part is shown on the 'Proposed Section AA' and there is no form of annotation, either words or measurements, to explain any form of cut back.
5. As such, whilst intended as a clarification, I find that this additional drawing represents a material change to the scheme to that which was submitted to the Council. The 'Procedural Guide: Planning appeals – England' makes it clear that 'the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought'. Accordingly, I have determined this appeal on the basis of the 'Proposed Section AA' without the cut back clarification. To do otherwise would deprive those who should have been consulted on the change, the opportunity of such consultation.

6. During the course of the appeal The London Plan was published¹, which replaced all previous versions. The parties were provided with an opportunity to comment on its relevance to this appeal, and I have taken the comments received into account in my determination of this appeal.

Main Issues

7. The main issues are the effect of the proposal on the character and appearance of the host property and the surrounding area, and the effect of the proposal with respect to flood risk.

Reasons

Character and appearance

8. The appeal site comprises a 2-storey semi-detached dwellinghouse situated in a residential area. It has a hipped roof and a 2-storey side element with a cat-slide roof, meaning that the design of the property is congruent with its neighbours and visually the property appears to have reduced mass in comparison with some of the other properties along Nelson Road. Although some properties further along Nelson Road have been extended, the neighbouring properties either side of the appeal site have not.
9. The single-storey rear extension, as proposed with a sloping roof, would span the full-width of the host property, and it would protrude some distance beyond it. It would extend up to a considerable height in comparison with its host property. Considering its proposed width, depth, and height, and its rectangular form, the rear extension would present as an unduly large and bulky development which would be overly-dominant when set against its modestly-sized host property. Furthermore, it would incorporate a very prominent rectangular-shaped overhang, which due to its width and depth would exacerbate the ungainly nature of the development as a whole.
10. It is clear then, that the proposed development would result in harm to the character and appearance of the host property. Consequently, the contribution that the property makes to the visual attractiveness and the character of the area, which includes the nearby unextended properties, would be noticeably reduced. As such, it would cause harm to the character and appearance of the surrounding area.
11. It is common ground that the proposed single-storey rear extension would breach both the depth and height guidelines expressed in the Harrow Residential Design Guide Supplementary Planning Document 2010 (SPD), although only by a minimal amount in relation to its depth. It is noted that the SPD is guidance rather than policy, and that due to its age, it pre-dates both the current permitted development regime and other relevant planning policy changes. Nevertheless, in this case the breach of its requirements would cause material harm and therefore I consider that its requirements are of relevance to this appeal. I observed the single-storey extension at No 29 Nelson Road but due to its large scale when seen in the context of its host property in my view it does not offer a desirable precedent.
12. I therefore find that the proposal would have an unacceptable and harmful effect on the character and appearance of the host property and the

¹ The London Plan (published 2021)

surrounding area. It would conflict with Core Policy CS1 of the Harrow Core Strategy (adopted 2012) (Core Strategy), which provides that, amongst other things, all development shall respond positively to the local and historic context in terms of design, and that extensions should respect their host building.

13. It would conflict with Policy DM1 of the Harrow Council Development Management Policies (adopted 2013) (DMP) which provides that, amongst other things, proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted. It would conflict with Policy D3 of The London Plan which provides that, amongst other things, development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality.
14. It would also conflict with the advice given in the SPD which provides that, amongst other things, extensions should harmonise with the scale and architectural style of the original building, and the character of the area, and with paragraph 127 of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Flood risk

15. There is a dispute regarding which Flood Zone the appeal site is located within. From the evidence before me, the Environment Agency's Flood Map indicates that the site lies in Zone 1 for river flooding. However, rivers are not the only source of flood risk. In this regard I take due note of the consultation response from the Council's Infrastructure and Drainage department which confirms that the local evidence indicates that the site is at high risk from surface water flooding.
16. Footnote 50 of the Framework provides that, amongst other things, within such Flood Zones, a site-specific Flood Risk Assessment should be provided. Policy DM9 of the DMP provides that, amongst other things, proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The appellant has not submitted a Flood Risk Assessment. Accordingly, it has not been demonstrated that the proposal would not increase the risk of flooding.
17. The informative referred to by the Council relates to the site being located within a Critical Drainage Area. As such, the use of an informative would not be appropriate with respect to flood risk identified with respect to surface water. Accordingly, this matter does not change my findings on this main issue.
18. I therefore find that the proposal would have an unacceptable and harmful effect with respect to flood risk, not decreasing the risk and not making it sufficiently clear that the risk would be at an acceptable level in regard to the requirements of the development plan. As such, it would conflict with Policy DM9 of the DMP which provides that, amongst other things, proposals that would fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.
19. It would conflict with Core Policy CS1 of the Core Strategy, which provides that, amongst other things, development will be managed to achieve an overall

reduction in flood risk and increase resilience to flood events. It would conflict with Policy SI12 of The London Plan which provides that, amongst other things, development proposals should ensure that flood risk is minimised and mitigated. It would also conflict with paragraph 163 of the Framework, which provides that, amongst other things, decision-makers should ensure that flood risk is not increased.

Other Matters

20. The appellant has referred to a 4 metres allowance in height under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). However, the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and although a sloping roof is proposed, specific dimensions have not been provided to show that the height of the eaves of the enlarged part would not exceed 3 metres. Thus, it has not been demonstrated that the proposal would meet the requirements of A.1(i) of Class A of Part 1 of Schedule 2 of the GPDO. As such, I am not persuaded that there is a greater than a theoretical possibility that permitted development rights would be exercised. I have therefore given this matter limited weight.
21. Based on the written dimensions provided on the relevant plans, the proposal would extend higher than the development granted via a Lawful Development Certificate (LDC). As the LDC relates to a materially different scheme than the proposal, it offers minimal support for it, and accordingly I have given this matter limited weight.
22. Therefore, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion

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

Alexander O'Doherty

INSPECTOR