



Appeal Decision

Site Visit made on 10 June 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/M5450/W/20/3263932

59 Graham Road, Harrow HA3 5RP

- 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 Ms Pearl Lestrade-Brown against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2776/20, dated 10 August 2020, was refused by notice dated 16 November 2020.
 - The development proposed is loft conversion.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the decision on the application, the Mayor of London published a new Plan, The London Plan (March 2021) (LP). The Government also published the National Planning Policy Framework (2021). I have written to the main parties with regard to these matters and I have taken their responses, where received, into account in my decision.
3. The description of development set out in the banner header above is taken from the application form. The Council's decision notice refers to the proposal as the erection of a rear dormer to create an additional bedroom for the ground floor flat with two storey side extension for access stairwell. I consider the Council's description fully and more clearly describes the proposal. I note that the appellant has used the same description in the appeal form and this is the basis upon which I have reached my decision.
4. The Council's refusal reasons refer to Policy 4.2A.6 of the Draft London Plan – Intend to Publish (2019). The Council have explained that this is a typographical error as there does not appear to be any such policy in either the Intend to Publish London Plan or the LP. I have proceeded therefore on the basis that reference to this policy in the decision notice is an error.
5. I observed at my site visit that the existing first floor window on the east side elevation of the appeal building, which the plans show to serve a lounge, is incorrectly located on the drawings before me. The window is in fact set more centrally within this elevation. I also observed that there is a window in the rear of the existing side addition at first floor level, which is not shown on the drawings. The Council indicates that this serves the stairwell of the first floor flat. I have therefore assessed the proposal taking into account what I observed at my site visit.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the appeal building and the area and the living conditions of the occupants of the first floor flat at 59 Graham Road, with particular regard to outlook, daylight and sunlight, privacy and noise.

Reasons

Character and appearance

7. The appeal site is located on the corner of Graham Road and Whitefriars Avenue. The southern side of Graham Road consists primarily of terraced dwellings while the northern side, upon which the appeal site is located, is more varied with terraced, semi-detached and detached properties of various form and materials. There are a number of gaps between the buildings on the north side of Graham Road. These help to alleviate the denseness of the tightly packed housing in the area and are an important feature in the streetscene.
8. The proposed roof extension by virtue of its width, depth, height and overall scale would be a bulky and disproportionate addition to the appeal building. Its box-like form would dominate the host roof and would be visible from both Graham Road and Whitefriars Avenue, from where it would appear as an overly dominant and incongruous addition. Although I observed that some properties along Graham Road have dormers to the front roof plane, these are much smaller and appear proportionate to their host dwellings so are not directly comparable to the proposal before me. I also observed roof extensions to the rear of properties along Graham Road. However, I do not have the full details of those developments before me. Moreover, they are viewed, due to their location, in a different context to the proposed roof extension which would be sited at a prominent corner site.
9. The proposed three storey side extension would project to the side of the existing side addition and significantly above it. It would have a hipped roof form which would conflict with the prevailing gabled roof forms of the dwelling. It would also significantly reduce the gap between the appeal building and the adjacent dwelling, diminishing the contribution that this makes to the character and appearance of the streetscene. As a result, this element of the proposal would appear as an incongruous and cramped form of development. It would fail to respect the form, scale and design of the appeal building and surrounding area.
10. The proposal includes three rooflights to the front roof plane. There are a number of similar alterations along Graham Road and I consider them to be acceptable additions in terms of their number and size. I note that the Council also raise no objection to the rooflights, although the absence of harm in this regard is a neutral factor in my overall considerations.
11. I conclude that the proposal would cause harm to the character and appearance of the host building and the area. There would be conflict with Policy CS1 (b) of the Harrow Core Strategy February 2012 (CS) and Policy DM1 of the Harrow Council Development Management Policies July 2013 (DMP). In summary, these require, amongst other matters, all development to achieve a high standard of design and that extensions should respect their host building. The proposal would also conflict with LP Policy D3 which, amongst other

matters, requires proposals to positively respond to the local character of a place, and Supplementary Planning Document Residential Design Guide December 2010 (SPD), which states that extensions should harmonise with the scale and architectural style of the original building, and the character of the area. There would also be conflict with the overarching aims of the National Planning Policy Framework (the Framework).

Living Conditions

12. The proposal would provide an additional bedroom with ensuite and storage for the ground floor flat. This would result in accommodation for the ground floor flat being situated both above and below the existing first floor flat.
13. The lounge to the first floor flat is served by a single window in the side elevation of the appeal building. It is reasonable to consider that as the main living area for the flat the lounge would be in use for long periods of the day. The proposed three storey side extension, due to its height and proximity to this window would appear overbearing and would create a sense of enclosure when viewed from that room. This would make the room significantly less pleasant to use resulting in harm to the living conditions of the occupants of the first floor flat.
14. Given the existing relationship between the side elevation of the appeal building and the neighbouring properties, the proposed three storey side extension would not result in a loss of sunlight over and above the existing situation. However, due to its close proximity to the first floor lounge window, it would reduce the levels of daylight experienced within that room. This would make the room less pleasant to use and would result in poor living conditions for the occupants of that flat.
15. The proposed three storey side extension also includes windows in the rear elevation. The proposed first floor window would be located in close proximity to the window serving the lounge of the first floor flat. From this location, the proposal would result in unacceptable levels of overlooking and loss of privacy to the occupants of that flat. I have considered whether this relationship could be improved by requiring that the proposed window to be obscure glazed and non-opening. Such a requirement could be secured by a suitably worded planning condition.
16. However, given the close relationship between the windows, a significant perceived threat of overlooking would persist even if the proposed window was to be obscured glazed. Further, although the proposed window would serve a stairwell, a transient space within the building, the relationship is such that the harms that I have identified would be significant. As a result, the proposal would cause harm to the living conditions of the occupants of the first floor flat.
17. The proposal would also result in a bedroom for the ground floor flat and part of the ensuite being located directly above the lounge for the first floor flat. As the principle living area for that flat, it is reasonable to consider that the lounge would be in use for a number of hours each day, including late into the night. Such use would be likely to result in disturbance to the occupants of the proposed bedroom above. Further, the use of the lounge of the first floor flat is likely to be impacted upon by noise disturbance resulting from the use of the proposed bedroom and ensuite. Consequently, as a result of the stacking of the

proposed development, the proposal is likely to result in harm to the living conditions of both flats contained within the appeal building.

18. I note the appellant's comments that following completion of the loft conversion, should the appeal be allowed, that a sound test would be carried out to ensure that the party floor conforms to the latest Building Regulations. However, I have not been provided with any information to substantiate this point.
19. I conclude that the proposal would cause harm to the living conditions of the occupants of the first floor flat at 59 Graham Road. There would be conflict with Policy DM1 of the DMP which states that proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory amenity for future occupiers of development, will be resisted. The proposal would also conflict with the aims of the SPD and the overarching aims of the Framework.

Conclusion

20. For the above reasons, having considered the development plan as a whole, the approach in the National Planning Policy Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR