



Appeal Decision

Site visit made on 13 July 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/M5450/W/20/3262529
239 Kenton Lane, Harrow HA3 8RP

- 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 S Vithlani against the decision of London Borough of Harrow
 - The application Ref P/2501/20, dated 22 July 2020, was refused by notice dated 16 September 2020
 - The development proposed is 'erection of a first floor extension and alterations to flat to provide additional residential accommodation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application; I have utilised the original description.
3. The London Plan 2021 (LP 2021) was published on 1 March 2021 and is now part of the Development Plan. The Council's decision notice referred to the previous London Plan. I am satisfied that the equivalent policies in the new plan have broadly the same approach as their counterparts, and they do not alter my conclusions on the matter in any case. The latest reviewed version of the National Planning Policy Framework (The Framework) was published on 20 July 2021. The main parties were invited to comment on its policies.
4. I note that the Appellant has raised concerns in respect the process followed by the Council in making and publishing its decision; however, no costs claim has been made and the Appellant has not sought to establish that their interests have been prejudiced.
5. The appeal is accompanied by a set of revised drawings. These show a scheme that is different in effect from that considered by the Council. In particular, the flat roofed corridor which would connect the extension at the rear of the plot with the main flat at the front is omitted. It does not appear that the appellant has made efforts to consult on the revised scheme and it is tantamount to a new planning application. The revised scheme therefore warrants full and thorough scrutiny by the Council. Considering this appeal on the basis of the revised drawings submitted with the appeal would be contrary to the Wheatcroft Principles¹.

¹ Bernard Wheatcroft Ltd v SSE [1982] JPL 37

Main Issues

6. The main issues are:

- The effect of the proposal on the character and appearance of the host building and surrounding area,
- The effect of the proposal on the living conditions of occupiers of neighbouring property, in particular the occupiers of No. 241 Kenton Lane,
- Whether the proposal would provide adequate living conditions for future occupiers of the property, particularly in respect of the provision of outdoor amenity space, outlook and provision of refuse and recycling storage; and,
- Whether there are any other material considerations which indicate the appeal should be determined other than in accordance with the Development Plan.

Reasons

Character and appearance

7. The appeal site is within a three-storey terrace comprising of a parade of commercial units at ground floor, with flats above. To the rear of the units runs a service road. The ground floor commercial unit of the appeal site is extended to the full depth of the plot, up to the road. The upper two floors are occupied by a three-bedroom flat and a terrace, which utilises the flat roof of the ground floor extension. This arrangement is typical along the terrace, which has a utilitarian appearance and a broadly uniform pattern of development despite some variation in respect of boundary treatments, materials and depth of extension.
8. The appeal proposal would introduce two additional bedrooms at first floor level. These would be sited to the far extent of the plot and would be linked to the main flat by a flat-roofed corridor. As a result, the appeal proposal would extend the full depth of the plot, with its main mass at the rear boundary. There are no first-floor extensions within the terrace which span the full depth of the plot, nor any notable mass of development at rear boundaries. Consequently, the extension would be prominent within the rear elevation of the terrace when viewed from the service road and would appear out of scale and proportion with the host flat and wider terrace. Although the existing terrace is enclosed by a fence which creates a sense of enclosure, it does not have the combined width, depth, height and proximity to the rear and side elevations as the appeal proposal would.
9. For these reasons, the appeal proposal would fail to respond the character of the host building and surrounding area. Therefore, the proposal is contrary to policy CS1.B of the Harrow Core Strategy (CS), adopted 2013, policy DM1 of the of the Harrow Development Management Policies Local Plan (DMP LP), adopted 2013, related Supplementary Planning Guidance, policy D3 of the LP 2021, and the policies of the Framework. These policies seek, amongst other things, a design led approach which respects host buildings and local character, and which is of a high standard of design.

Living Conditions

10. The appeal proposal would extend the full length of the boundary with no. 241 Kenton Lane, close to rear elevation windows serving the flat's main living accommodation. At first floor level, the existing boundary fence is at a relatively modest height; in contrast, the appeal proposal would significantly increase the height of built form along this boundary, providing no relief across the depth of the plot due to its increasing height. Consequently, the appeal proposal would overshadow no.241 Kenton Lane and would have a detrimental effect on its outlook.
11. Given the existing residential use of the terrace as an outdoor amenity space, the additional accommodation would not result in an unacceptable increase in noise and disturbance to occupants of surrounding properties.
12. The window of bedroom five within the extension would overlook the service road and high evergreen trees beyond. The narrow width of the service road combined with the proximity and height of the trees would severely limit the outlook from this bedroom.
13. The extension would provide additional bedrooms to create a ten-person flat, but it would also significantly reduce the extent of available outside amenity space for the extended flat. The outside amenity space would be inadequately small and enclosed by built form, resulting in a poor standard of accommodation for occupants. Whilst it is acknowledged that the existing accommodation may be overcrowded (though I was informed during my site visit that only two people are currently in residence), a planning permission for the extension would create permanent substandard living conditions.
14. Whilst the appeal site has access to the service road, there is no apparent safe and convenient provision for refuse and recycling storage within the curtilage of the property.
15. For these reasons, the proposal would provide an inadequate standard of living conditions for existing and future occupiers of the site and would have an unacceptable detrimental effect on the living conditions of neighbouring occupiers. The proposal would therefore be contrary to policies DM1, DM27 and DM45 of the DMP LP and related Supplementary Planning Guidance, policies D3 and D6 of the LP 2021, and the policies of the Framework. These policies seek, amongst other things, development which ensures good standards of living conditions and amenity for all occupiers.

Other Considerations

16. The additional accommodation would allow an extended family of grandparents, parents and children to cohabit. In this respect, the proposal would contribute towards the diverse needs of Londoners. However, this is outweighed by the poor standard of accommodation for existing and future occupiers of the site. Moreover, there is no reason to suggest that the Appellant and their family could not cohabit in more suitable accommodation elsewhere, without the disbenefits arising from the appeal proposal. I therefore find that the Appellant's personal circumstances do not constitute a material consideration which indicates that the appeal should be determined other than in accordance with the Development Plan.

Conclusions

17. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR