



Appeal Decision

Site visit made on 12 November 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Appeal Ref: APP/M5450/D/21/3280646

18 Greystoke Avenue, Pinner HA5 5SL

- 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 Absar Khan against the decision of Harrow Council.
- The application Ref P/1232/21, dated 21 March 2021, was refused by notice dated 18 May 2021.
- The development proposed is a Single and two storey side extension; rear dormer with Juliette balcony; Single storey rear extension; External alterations (Retrospective).

Decision

1. The appeal is allowed and planning permission is granted for a single and two storey side extension; rear dormer with Juliette balcony; Single storey rear extension; External alterations (Retrospective), in accordance with the terms of the application Ref P/1232/21, dated 21 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
 - Existing Plans & Elevations, Drawing No. P-18 GA-03, Dated MAR 21
 - OS Map & Block Plans, Drawing No. P-18 GA-01, Dated March 21
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The description of the development has been taken from the Council's Decision Notice as this more succinctly describes the elements requiring planning permission. It is noted that this description is also mentioned on the applicant's Appeal Form.
3. The refused scheme contains a number of elements, many of which such as the single and two storey side extension and single storey rear extension were previously approved under a recent decision.¹ The main difference between this approved scheme and the development under this application relate to the construction of a rear dormer window with Juliet balcony. As this component of the development was the only element in dispute, this letter will focus on this element only.

Main Issue

¹ Harrow Council Planning Application Ref: P/1781/20

4. The rear dormer window was in situ when the site visit was conducted and I have made my decision taking this into account. As such, the main issue is the effect of the rear dormer window upon the appeal property and the character and appearance of the locality.

Reasons

5. The appeal property is located along Greystoke Avenue, a residential road that contains a speculative development of semi-detached dwellings which appear to date from the mid-twentieth century. The dwellings to both sides of Greystoke Avenue have a symmetrical composition with hipped roof form, large central coaxial chimney stack, with two storey bay windows with similar materials of brick, hanging tiles and rendered facades. The majority of roof forms within this street scene as well as surrounding are hipped which expresses a symmetry throughout the estate between the dwellings as well as between the pair of semi-detached dwellings in which the appeal site is located. The dwellings along the street have similar front and side setbacks with large front gardens and low boundary walls which give an openness in and around the dwellings with large mature vegetation which is visible between gaps along the street. These elements contribute towards the positive characteristics of the character, appearance and local distinctiveness of the locality.
6. The appeal dwelling contains many of these positive characteristics, being one half of the characteristic semi-detached dwellings, however has been modified with a rendered façade and extension to the side and rear. The box dormer window as constructed does change the hipped roof to a part gabled roof form which would give an asymmetrical appearance when experienced within the existing context, particularly when compared with the remaining half of the semi-detached dwelling. The asymmetrical design and poor roof form does present as a distraction within the street scene where the characteristic hipped roof is a positive attribute to the design of the roof and relationship to the street scene.
7. The roof extension combined with the dormer window would be a dominant addition that would remove much of the existing hipped roof form, which is specifically discouraged within the Residential Design Guide Supplementary Planning Document which supports Policies CS1 of the Harrow Core Strategy (CS) and Policy DM1 of the Development Management Local Plan Policies (LP) which seek that development is subservient and reflective of the surrounding character and context of the locality in terms of its massing, bulk, siting, amongst others. Consequently, the roof form of the dormer roof extension does present as an incongruous form of development which does harm the character and appearance of the area and would be contrary to CS Policy CS1 and LP Policy DM1 as explained above.
8. In the applicant's Statement of Case (SoC) an argument is put forward that the dormer window has been constructed under permitted development rights which are allowed under the General Permitted Development Order 2015 (as amended) (GPDO). Whilst it is not for me under a Section 78 appeal to determine the current correct and legal development of the roof dormer under this separate provision, the GPDO² is quite clear that the roof form should be 'existing' before permitted development rights could be enacted. The development according to the applicant was not completed and therefore

² General Permitted Development Order 2015, Schedule 2, Part 1, Class B

permitted development rights did not exist as the development was not existing. To me, it is not within the spirit of or purpose of the GPDO to suggest that additional permitted development rights could simply be added to approved development whilst it is being constructed in order to achieve a larger development than what was permitted.

9. With that said, and whilst I agree with the council in the way they determined the application in line with the policies of the development plan; I have also taken into account the fallback position suggested by the applicant that if they were to have constructed what was approved and once finished, constructed the rear dormer window under the provisions of the GPDO, then the same result and harm upon the character and appearance of the existing building and greater locality would be achieved. Whilst I do not agree with the way and process that the dormer window has been justified or constructed; I am however sympathetic to arguments that it would be unreasonable to construct the extension only to then need to alter it again to enact permitted development rights under the GPDO and achieve the same result.
10. In this particular instance the GPDO and the resultant fallback scheme achievable under this Order carries significant weight as a material consideration to the determination of this scheme. This decision has been taken in light of these specific factors and should not be taken as a commentary on the future application of this policy and its association with the provisions of the GPDO. Therefore, and in conclusion of this matter; whilst the proposed development would conflict with the development plan, this is outweighed by other material considerations as explained above.

Conclusion

11. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted.
12. The Council in their Appeal Form response detailed that should the appeal be allowed, that conditions regarding time limit, approved plans and materials which match existing be placed on any decision notice. I have considered the conditions as specified in the beginning of this letter in accordance with the Planning Practice Guidance (PPG). A time limit condition is not necessary given that the scheme is retrospective. Condition 1 is a standard condition which notes the approved plans which are necessary for the avoidance of doubt and in the interests of proper planning. Condition 2 seeks that the scheme is constructed in matching materials which are necessary as this condition enables the development to fit in with the character and appearance of the existing dwelling and the locality.

J Somers

INSPECTOR