



Appeal Decision

Site visit made on 28 February 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/M5450/W/21/3278978

64 Crowshott Avenue, Stanmore HA7 2PF

- 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 Bhavesh Wagjiani against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0325/21, dated 12 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is described as, "Erection of a part-one part-two storey side extension to the left flank elevation, part-one part-two storey side to front extension to the right flank elevation, a loft extension and the conversion of the property into four flats comprising; one 1-bed 1-person, one 1-bed 2-person and two 2-bed 3-person flats with associated parking, private amenity, cycle and refuse storage".
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Additional plans were submitted at the appeal stage (PR21-011J, PR21-011M, PR21-011N), which comprise an overlay of a prior approval scheme and the appeal scheme, and existing and proposed street scene illustrations. These plans do not substantially alter the nature of the proposal, and I am satisfied that the parties' interests would not be prejudiced by these plans being considered in this appeal. Therefore, I have considered these plans as part of this appeal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to outlook and light.

Reasons

Character and Appearance

4. The appeal site comprises a 2-storey detached dwelling which has previously been extended to the side and also via a garage extension. It is situated on a wedge-shaped plot, and has a fairly large garden in comparison to the immediately surrounding properties. The appeal property is situated within a tight-knit residential area, which predominantly consists of 2-storey detached and semi-detached dwellings, many of which have also been extended.

5. The proposed extensions would use appropriate materials and the proposed window style, proportion and placement would suitably mirror the existing horizontal emphasis of the windows on the appeal property. The proposal would also retain the existing single front door, notwithstanding that the dwelling would be converted into 4 flats.
6. Additionally, whilst the proposed rear dormer would be set in line with the ridge of the roof, resulting in a lack of subservience with the appeal property, it would be fairly limited in width and would be centrally positioned within the roof slope. Accordingly, it would appear congruent with the appearance of the appeal property. In all these respects, the proposal would comply with the relevant provisions of the Residential Design Guide Supplementary Planning Document (adopted 2010) (SPD).
7. I observed all of the nearby examples referred to in the appellant's Grounds of Appeal¹. I note that they demonstrate that some dwellings in the immediate area have been significantly extended, with widths which often span a large proportion of their plots, particularly at ground floor level.
8. Nevertheless, the overall character of the area is defined by more properties than these. In this respect, I observed other nearby properties on Crowshott Avenue and St Andrews Drive which exhibit side extensions which are subservient to their host properties, often achieved by way of a noticeable set-down from the ridge of the host property. These extensions also tend to complement their host property by being in-keeping with its original scale.
9. In contrast, the proposal would involve an approximate doubling of the appeal property's width, with 2-storey side and rear extensions which would considerably augment the scale and bulk of the property. The hipped pitched roofs would meet the maximum height of the property, and would not be subservient to it. Consequently, the proposal would subsume the host property, resulting in an overly-bulky form of development which would unduly detract from its currently fairly modest appearance. As such, harm would result to the character and appearance of the appeal property. The contribution that it makes to the character of the street scene would be significantly eroded and it follows that harm to the character and appearance of the area would occur.
10. Furthermore, although the local area is tight-knit, with many nearby properties having been extended, I observed that gaps between properties are still present, particularly at first-floor level. The rather densely-packed character of the area means that these gaps are more important than would otherwise be the case, as they break up the mass of built form and contribute to the spaciousness of the area.
11. Considering this, and that the site is in clear view from the roads surrounding the roundabout and from Centenary Park, the significant narrowing of the gap that the proposal would cause between 66 Crowshott Avenue (No 66) and the appeal property means that the proposal would reduce this important sense of spaciousness. This is particularly the case as the narrowing of the gap would be exacerbated in visual terms due to the orientation of the appeal property relative to No 66. In this way, the proposal would cause further harm to the character and appearance of the area.

¹ Including Nos 62, 66, 70, 72, 87, 94, and 96 Crowshott Avenue, and Nos 106 and 107 St Andrews Drive

12. I observed 107 St Andrews Drive, which has previously been significantly extended. Due to its position on the corner of St Andrews Drive, with much of the space to the side and rear of the property closest to the road being visible, the plot continues to contribute to the spaciousness of the area, in a way which would not be the case via the proposal at the appeal site. Similarly, 106 St Andrews Drive has retained a fair amount of space at first floor level to its right-hand side, whereas the proposal would only leave a minimal gap at first floor level to its right-hand side, thereby eroding the existing gap between the 2 properties which contributes to the spaciousness of the local area. Therefore, neither of these examples are sufficiently comparable so as to change my findings.
13. I have had regard to the extant grant of prior approval², and the submitted plan which shows an overlay of that scheme and the appeal scheme. As it relates to a single-storey rear extension, the impact of the prior approval scheme on the scale and bulk of the appeal property, and on the wider street scene, would be much less pronounced than would occur through the appeal proposal. Hence, the grant of prior approval does not change my findings.
14. I have also had regard to the unimplemented planning permission³ for a single and 2-storey side extension with a double garage extension to the other side, granted in 1990. However, as any Officer's Report has not been provided it is not possible to scrutinise the internal logic applied by the Council in that case. Moreover, it is clear from the plans provided for that permission that a far less bulky development was proposed, particularly at first-floor level, than is proposed in this appeal. Accordingly, that permission also does not change my findings.
15. The appellant has asserted that currently the appeal property houses 7 persons, and this has not been disputed by the Council. Under permitted development rights potentially the appeal property could be occupied by up to 6 separate residents, as a House in Multiple Occupation (HMO). However, a HMO would not comprise self-contained flats, as is proposed in this appeal.
16. The proposal would result in an increase of 3 residential units on site, with potentially up to 9 residents on site. Hence, although the use would remain as residential in nature, the potential for up to 4 independent and unrelated households occupying the site would involve a significant intensification of the use of the site. Moreover, whilst a certain level of activity is expected in a residential area such as this, the proposal would cause a far greater level of comings and goings, including from individuals and their vehicles, delivery vehicles, and the use of recycling storage facilities, amongst other activities.
17. Although the amount of private amenity space for each unit of accommodation would be policy-compliant in strict numerical terms, the proposed sub-division of the rear garden would result in a considerable uplift in the intensity of the use of that space. The notable increase in activity, and likely accumulation of additional residential paraphernalia would be clearly visible from surrounding properties.
18. As such, the significant intensification of the use of the site would be markedly at odds with the largely single-family housing-type level of occupancy which

² Appeal decision Ref APP/M5450/D/20/3255980

³ LBH/40673

the evidence before me indicates is prevalent in the local area. The resulting conflict with the prevalent pattern of development in the local area would harm the character and appearance of the area. The use of conditions to secure proposed boundary treatments would not adequately mitigate this harm.

19. I therefore find that the proposal would have an unacceptable and significantly harmful effect on the character and appearance of the area. It would conflict with criterion B. of Core Policy CS 1 of the Harrow Core Strategy (adopted 2012) (Core Strategy) and Policies DM 1 and DM 26 of the Harrow Council Development Management Policies (adopted 2013) (DMP) which collectively provide 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 DM 27 of the DMP which provides that, amongst other things, the appropriate form and amount of amenity space should have regard to the character and pattern of existing development in the area.
20. The proposal would conflict with Policy D3 of The London Plan (published 2021) which provides that, amongst other things, development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness, and with paragraph 130 c) of the Framework which provides that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). The proposal would also conflict with the SPD which provides that, amongst other things, residential development should respond to distinctive local character.

Living Conditions

21. 106 St Andrews Drive (No 106) is a 2-storey detached property which is adjacent to the appeal property. It has a habitable window at first floor level, close to the boundary between the 2 properties. No 106 has a fairly long rear garden and although a boundary fence and existing landscaping is present between the garden of No 106 and the site, I observed that the garden has a good level of outlook. The garden also receives adequate levels of light.
22. The Council have asserted that the proposed 2 storey side-to-rear extension, which would extend approximately 3 metres beyond the rear wall of the appeal property at first-floor level, would breach the 45 degree code (the Code) specified in the SPD, in relation to a potential loss of light and overshadowing to the garden and adjoining habitable rooms at No 106. I have not been presented with any substantive evidence which demonstrates that the Code would not be breached.
23. Nevertheless, the SPD states that the Code should not simply be applied on a mechanical basis. In this respect, I have had regard to criterion E. of Policy DM 1 of the DMP, and I note that No 106 has previously been extended⁴. This means that the application of the Code test is likely more restrictive than it would have been at the point in time when No 106 was further from the site boundary. Nevertheless, my assessment of the proposal must be made in relation to the prevailing site circumstances and the existing context. Thus, the fact that No 106 has previously been extended has little bearing on my

⁴ LBH/40672

assessment of the proposal in relation to the living conditions of the occupiers of No 106.

24. The proposed 2 storey side-to-rear extension would extend approximately 3 metres beyond the rear wall of the appeal property at first-floor level, with an approximately 6 metres projection at ground-floor level. The extension would be situated on the boundary between the 2 properties. Nevertheless, as the first-floor element would be noticeably set-back from the ground-floor element and considering the length of the garden at No 106, in my view these projections would not unduly harm the outlook from the garden area.
25. Similarly, considering the path of the sun and the orientation of the properties, any loss of sunlight would likely be restricted to the afternoon. Given that the first-floor part of the extension would not protrude further than approximately 3 metres from the rear wall of the appeal property, and considering the length of the garden, it is likely that the degree of loss of sunlight would not be materially harmful to the users of the garden at No 106.
26. However, the proposed 2 storey side-to-rear extension would be positioned very close to the nearest habitable room at first-floor level at No 106. Considering the length of the first-floor element of the extension, and its proximity to that window, this element of the proposal would unduly reduce the outlook from that window towards the site and beyond.
27. Moreover, although due to the orientation of the properties and the path of the sun any loss of sunlight would likely be limited to the afternoon, the combination of the siting, height and depth of the proposed 2 storey side-to-rear extension would be likely to materially reduce the amount of sunlight received to that window for that part of the day. Hence, the proposal would make the affected living space within No 106 much less pleasant to use.
28. The extant grant of prior approval⁵ relates to a development which would be single-storey and which would be set-in from the site's side boundary to No 106. As such, its likely effect on the living conditions of the occupiers of No 106 would be far less pronounced than that which would occur via the appeal proposal. Hence, that grant of prior approval does not change my findings.
29. I therefore find that the proposal would have an unacceptable and harmful effect on the living conditions of the occupiers of No 106, with particular reference to outlook and light. The proposal would conflict with Policy DM 1 of the DMP which provides that, amongst other things, proposals that would be detrimental to the amenity of neighbouring occupiers will be resisted. It would also conflict with Policy D3 of The London Plan (published 2021) which provides that, amongst other things, development proposals should deliver appropriate outlook and amenity. It would also conflict with the SPD which provides that, amongst other things, extensions should not cause any unreasonable loss of light or overshadowing to any habitable rooms in neighbouring properties.

Other Matters

30. The Council did not refuse the application on matters relating to the living conditions of future occupiers, parking, highways, traffic, drainage, flood risk, construction sustainability, community safety, equality, storage of waste and recycling, cycle storage, and access. However, even if I were to likewise reason

⁵ Appeal decision Ref APP/M5450/D/20/3255980

that the proposal would be acceptable in these respects, and in compliance with the development plan and the Framework, these would be neutral factors rather than ones which weigh positively in favour of the proposal.

31. The proposal would result in an increase in self-contained residential accommodation, in an existing urban area, which would add to the choice and mix of accommodation options in the local area. In so doing, it would support the Government's objective of significantly boosting the supply of homes, and would make an efficient use of land. This outcome would also be in accordance with a number of the Council's policies and policies in The London Plan (published 2021). Even so, the net contribution of 3 residential units would be modest. Thus, this matter has been given moderate weight in favour of the proposal.
32. A fall-back position, in relation to an extant grant of prior approval⁶, has already been mentioned. Based on the evidence before me, I consider that there is a real prospect that this development could be implemented, should this appeal be dismissed. Nevertheless, as it relates to a single-storey rear extension its effect on the character and appearance of the area and the living conditions of neighbouring occupiers would be materially different to the proposal before me. As it would likely be less harmful in planning terms than the proposal, it provides minimal support for the proposal. Accordingly, it has been given limited weight.
33. Taking all of the above into account, I give no more than moderate weight to all the benefits of the proposal. Set against these benefits is the significant harm that the proposal would cause to the character and appearance of the area, and the tangible harm that the proposal would cause to the living conditions of the occupiers of No 106. From this, it is clear 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

34. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR

⁶ Appeal decision Ref APP/M5450/D/20/3255980