



Appeal Decision

Site visit made on 12 January 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12th July 2022

Appeal Ref: APP/M5450/W/21/3277379 105 Burnt Oak Broadway, Edgware HA8 5EN

- 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 D Patel against the decision of Harrow Council.
 - The application Ref P/3950/20, dated 31 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is a part single & two story rear extension to provide storage to GF retail & FF office space (B1 use) with associated alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice refers to the London Plan 2016. This has now been superseded by publication of the 2021 London Plan. Appeals must be determined in accordance with the policies in force at the time the decision is made. The main parties were given the opportunity to comment on the change in policy. Where received, these comments have been taken into consideration in this decision.

Main Issues

3. The main issues are the effect of the development on: the character and appearance of the host dwelling and surrounding area; the living conditions of neighbouring residential occupiers, with regards to light, outlook, and privacy; and crime and antisocial behaviour.

Reasons

Character and Appearance

4. The appeal site comprises a two storey mid terrace building with retail unit at street level and residential flat above, backing onto Park Way. The appeal site has a modest back yard, with external staircase leading to the residential unit.
5. The rear elevations of this terrace along Park Way have a varied façade, with a range of additions and alterations. While they vary in scale, it remains that the rear projections closest to or abutting the footpath are predominantly single storey in nature. Although erected under now outdated planning policies, they nonetheless form part of the immediate character of the area.
6. The proposal seeks to erect a part single, part two storey rear extension. It would be built from matching materials, with fenestration that would be

acceptable from a design perspective. However, the proposal would be distinguishable from other rear projections in the group by its scale.

7. Its two storey nature would fail to respect the modest dimensions of the appeal property and would stand out as an incongruous addition, towering above neighbouring rear projections and reading as an unduly prominent addition to the streetscene. Filling most of the modest back yard and flanked by smaller scale development, it would appear as a dominant structure squeezed into the plot, resulting in a particularly cramped site.
8. Furthermore, as a result of the undercroft and the offset from the first floor residential dwelling behind it would read as a complicated arrangement of built form. While there is variety in the form of surrounding development, it nonetheless follows a pattern of largely simple shaped projections, which the proposal would fail to respect and alongside which it would appear contrived.
9. While the proposal would not be visible from Burnt Oak Broadway, clear views would be possible from Park Way and The Highlands. It would be experienced alongside the predominantly modest, low scale rear development in terrace, which provides a visual break between the tall buildings opposite on Park Way and the main, two storey rear elevations of Burnt Oak Broadway. By infilling this space at the site, the tall bulk of the proposal abutting the highway would result in the loss of this openness to the detriment of the immediate character.
10. For the reasons given above I find that the development would have a significant adverse effect on the character and appearance of the host dwelling and the surrounding area. As such, it would fail to accord with Policy D3 of the London Plan (2021), Policy CS1 of the Harrow Core Strategy (2012), Policy DM1 of the Harrow Council Development Management Policies (2013), the Supplementary Planning Document Residential Design Guide (2010) and the National Planning Policy Framework which among other things seek to ensure good design.

Living Conditions

11. The proposal would be constructed directly in front of the first floor flat at 105 Burnt Oak Broadway, which has a kitchen window along its facing elevation that also serves the living space beyond. Despite the modest intervening terrace, the proposal would be near the front elevation of the flat, spanning much of the width of the site. It would dominate views from the kitchen window, where the nearby wide expanse of solid built form would read as overbearing. In restricting the outlook from this window it would create an enclosed feeling for residents..
12. 107 Burnt Oak Broadway also features a first floor flat with windows facing Park Way. While the outlook directly across the street would remain, the unbroken side elevation of the proposal would be clearly visible. Due to its scale and proximity it would appear as a dominant feature from this window. It would also directly face 8 Park Way, introducing built form close to the first floor residential windows. It would represent a sizeable structure close to these windows due to the narrow width of the street, such that it would dominate and enclose the outlook from this location.
13. As I have no evidence that these residential windows at 107 Burnt Oak Broadway or 8 Park Way serve habitable rooms, on the information before me

I cannot definitively conclude that the proposal would not unduly impact the outlook at these premises.

14. For similar reasons the proposal would result in an unacceptable loss of light at these three properties. The introduction of an additional, sizeable structure close to these windows would result in a reduction in the overall amount of natural light reaching these spaces. Due to the narrow nature of the street this would contribute to a particularly gloomy living environment, which would unduly impact the residents' enjoyment of these spaces.
15. With regards to privacy, the office of the proposal would be accessed via the front terrace of No. 105, with the bike space directly opposite the front elevation of the current flat. This would therefore involve movements nearby the first floor kitchen window of No. 105, where a reasonable degree of privacy would be expected by occupiers. Given the modest dimensions of the terrace, such activity would likely result in both actual and perceived overlooking that would unduly impact the privacy of this space.
16. While windows of the proposal would directly face 8 Park Way, these would be obscured. As such, despite the limited intervening distance there would be no actual overlooking towards No. 8. While a perception of being overlooked may remain, this would not be of a level that is uncommon in such a tight knit area. As such there would be no significant adverse impacts on the privacy of the residents of this building.
17. The proposal would not result in significant adverse impacts on the privacy of residents at 8 Park Way, but would result in significant adverse impacts on the living conditions of residents at 107 Burnt Oak Broadway and 8 Park Way with regards to light and outlook and at 105 Burnt Oak Broadway with regards to light, outlook and privacy. As such, it would fail to comply with Policy D1 of the London Plan (2021), Policy CS1 of the Harrow Core Strategy (2012), Policy DM1 and DM2 of the Harrow Council Development Management Policies (2013), the Supplementary Planning Document Residential Design Guide (2010) and the Mayors Housing SPG (2016), which among other things seek to ensure adequate living conditions.

Crime

18. The Council has raised further concerns that the undercroft created by the proposal would result in an increase in crime and anti-social behaviour. However, I have no substantive evidence before me attributable to the proposed development that demonstrates it would give rise to such behaviour.
19. Despite the urban location, there is no strong evidence before me to suggest that the site is within a high crime area. There is also a reasonable amount of natural surveillance present from the many properties surrounding the site, which could serve as a deterrent to crime or antisocial behaviour in the area.
20. For the reasons given above the proposal would not result in significant adverse effects with regards to crime and anti-social behaviour. As such, it would comply with Policy DM2 of the Harrow Council Development Management Policies (2013), which seeks to ensure that proposals are safe and secure for everyone.

Planning Balance and Conclusion

21. I have concluded that the proposal would not have significant adverse effects on crime and antisocial behaviour, nor on the living conditions of 8 Park Way with regards to privacy. However, this does not outweigh the other significant harm identified to the character and appearance of the host dwelling and the surrounding area; on the living conditions of residents of 105 and 107 Burnt Oak Broadway and 8 Park Way with regards to light and outlook; and on the living conditions of residents of No 105 with regards to privacy.
22. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR