The Planning Inspectorate

Appeal Decision

Site visit made on 29 July 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/M5450/D/22/3301601
182 Kenton Lane, Harrow, HA3 8SU

- 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 Kashyap Radia against the decision of The London Borough of Harrow.
- The application Ref: P/1162/22 dated 22 March 2022, was refused by notice dated 12 May 2022.
- The development proposed is erection of single storey rear extension and garage conversion with associated alterations.

Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension and garage conversion with associated alterations at 182 Kenton Lane Harrow H3 8SU in accordance with the terms of the application Ref: P/1162/22 dated 22 March 2022 and the plans submitted with it, subject to the following conditions:

    1) The works authorised by this consent shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: DrgNo.01; DrgNo.02; DrgNo.03; Drg.No.04.

    3) The roof of the extension and garage conversion hereby approved shall not be used for sitting out or accessed other than for the purpose of maintenance and repair.

Preliminary Matter

2. The description of the development varies between the Council's decision notice and the application form. As the scope of works proposed is clear from the submitted drawings, I have amended the description in the interests of clarity and concision.

Main Issue:

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons:

4. 182 Kenton Lane sits within an area where semi-detached housing predominates. Spacing between dwelling pairs differs according to the location

within the street, but there is a preponderance of single-storey infill, typically set back from the dwelling frontages as is the case with the appeal site (No.182) and its adjacent dwelling pairs.

5. The proposal would extend 6m to the rear of No.182 and incorporate an existing garage which sits further back into the garden. From my observation of this and other dwelling pairs, the limited distances between flank walls of adjacent dwelling pairs tends to inhibit convenient use of such garages. Further, notwithstanding its conversion, the proposal would, additionally, do no more than extend No.182 to a degree similar to that found in the adjoining paired dwelling and, due to the configuration on the site, that extension would abut, or overlap, the existing garage.

6. Given the planning history[1] which permits, or certifies the lawfulness of, both the garage conversion to living accommodation and the construction of the rear extension, and it being apparent that these two elements conjoin such that the forming of an internal opening (or other interior rearrangement) to merge these elements of accommodation would most likely fall outwith the definition of development requiring planning permission, it is far from clear what planning harm the Council had in mind when they refused this proposal. I can identify none and so it would be perverse to do other than allow this appeal.

7. I note that the Council refer to the unacceptable depth of the extension, but that fails to reflect the reuse of a garage which, from my observation, is of limited value for its original purpose. Even if the proposal were not already permitted as separate components or the joining of the two elements were in some way argued as falling within planning control, since the garage building already exists I can find no conflict with Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (DMPLP) or with Policy CS1.B of the Harrow Core Strategy 2012 (Core Strategy) which seek to retain distinctiveness and ensure development does not unacceptably harm amenity.

8. Taking all matters raised into account I conclude the proposal accords with the development plan taken as a whole, consequently the appeal should, for all the reasons given, succeed.

9. In addition to the usual time limit, conditions are necessary to ensure the development is carried out on the basis by which I have reached my conclusions and that would require a plans condition. Whilst I note the comments as to flood risk and drainage in the Council report, no such conditions were attached to P/4851/21 nor could such arise from P/0060/22 and it would not be reasonable to add such conditions now given my reasoning. Finally, although no party has raised this issue, I consider a condition preventing the use of the flat roof as a terrace would be appropriate to protect adjoining users from being overlooked.

Andrew Boughton

INSPECTOR

[1] P/4851/21 conversion of garage; P0060/22 Lawfulness of 6m extension to house