



Appeal Decision

Site visit made on 2 August 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19TH AUGUST 2022

Appeal Ref: APP/M5450/D/22/3300415

46 Methuen Road, Edgware HA8 6EX

- 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 Mehmet Yildiz against the decision of Harrow Council.
 - The application Ref P/0147/22, dated 25 September 2021, was refused by notice dated 14 March 2022.
 - The development proposed is described as a raised patio and steps to the rear; and the erection of 2.5 metre high boundary treatment (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for a raised patio and steps to the rear and boundary treatment at 46 Methuen Road, Edgware HA8 6EX in accordance with the terms of the application Ref P/0147/22, dated 25 September 2021 and plan nos NP-21-154-001, 002, 003, 004, 005 and 006.

Background and Procedural Matter

2. The host property has a single storey rear extension, beyond which are the raised patio, steps and fences the subject of this appeal. The patio is raised above the ground level with a fence along both side boundaries as depicted on the submitted plans.
3. As the structures are already in place, I have dealt with the appeal on the basis of the retention of the existing development. However, in my formal decision I have slightly changed the description of the development from that given on the appeal form to omit the height of the boundary treatment, as that is specified on the submitted plans, to which my decision refers. As it is not an act of development, I have also omitted the word 'retrospective'.

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions of nearby occupiers, with particular regard to outlook and privacy; and
 - the character and appearance of the area.

Reasons

Living conditions

5. The attached dwelling at 48 Methuen Road ('No 48') has a single storey rear extension of a broadly comparable depth to that at No 46. It contains patio

- doors with tall narrow windows either side, thus providing that habitable room with a large glazed aspect. From those doors there are steps leading to a short paved area, with the lawn and narrow garden beyond.
6. The patio at No 46 is raised above ground level, and is adjacent to the boundary with No 48. However, the timber fence that has been erected along that boundary is of sufficient height to prevent any significant overlooking from there towards No 48's patio doors or towards the nearest part of its garden. It also broadly directs the outlook from the patio down the host's own garden.
 7. That fence is however clearly visible from No 48's patio doors and the adjacent garden space. It is higher than a typical domestic fence and does, to a degree, impact those occupiers' outlook. However, after a fairly short distance the high section of the fence steps down to a lower level. Moreover, its height is not dissimilar to a typical single storey extension, but its wooden construction gives it a softer and less domineering affect compared to an extension's solid wall.
 8. A degree of overlooking or enclosure is commonplace in urban areas such as this. For all the above reasons, and given that No 48's patio doors are raised above ground level, the development has not resulted in a harmfully overbearing impact on No 48, and it has not caused those occupants a significant loss of privacy. As 50 Methuen Road is further from the site, the impact on those occupiers is less.
 9. No 44 Methuen Road ('No 44') is separated from the appeal site by an access. Although the patio the subject of this appeal reaches the boundary on that side, the section closest to it is lower in height, and its narrow width is such that it has limited useable value as an amenity area.
 10. Given that the main, higher section of the patio is set away from that boundary, and as No 44 is detached from the appeal property, with its nearest ground floor openings set well in from the boundary, the development has not had a harmful impact on those occupiers as a result of significant overlooking or loss of privacy.
 11. Given its depth, this scheme's impact is greater than the 'pre-existing' situation as depicted on the submitted plans and as illustrated by photographs in the appellant's statement. However, for the above reasons, I am satisfied that it has not impacted nearby occupiers' living conditions to a harmful degree.
 12. Amongst other things, and in general terms, Policy D3 of the London Plan 2021 ('LP'), and Policy DM1 of the Harrow Development Management Policies 2013 ('HDMP') require development proposals to deliver an appropriate outlook, privacy and amenity, having regard to the prevailing characteristics in the area.
 13. For the above reasons, the scheme does not conflict with those policies, nor with the stance at paragraphs 6.20 to 6.27 of the Council's Residential Design Guide Supplementary Planning Document 2010 ('SPD') which, whilst not specifically referring to patios, seeks to prevent a significant loss of privacy to, or significantly harm the outlook from, neighbouring properties.

Character and appearance

14. To the rear, the properties in Methuen Road display a mix of extensions, outbuildings, and alterations, thus giving it a fairly diverse character. There

are also some nearby patios, although as the example at No 44 is unauthorized, I have given it no weight in my decision.

15. Whilst sections of the boundary treatment at No 46 are taller than those prevailing in the area, its timber construction is nonetheless typical. The patio is not visible in the streetscene, and whilst it can be seen from nearby properties, particularly their upper floor windows, its raised construction is not prominent, and it does not appear markedly out of place given the local context.
16. As the scheme has not harmed the character and appearance of the area, it does not conflict with those parts of LP Policy D3, HDMP Policy DM1 and Policy CS1.B of the Harrow Core Strategy 2012 which state, in general terms, that development should achieve a high standard of design and should not harm the character of suburban areas. Neither would it conflict with the similar thrust of the advice in the SPD.

Other matters

17. I am told of the distress that the development at No 46 has caused to neighbours and of concerns regarding its impact on property values. However, planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material consideration; and I have dealt with the scheme before me on its merits.

Conclusion

18. I have found that the development has not had an adverse effect on the character and appearance of the area, and that it has not impacted the living conditions of nearby occupiers to a harmful degree.
19. The Council has suggested a single condition in the event that the appeal is allowed requiring that the development be retained in accordance with the approved plans. However, rather than impose a condition, in the interests of certainty, I have referred to those plans in my formal decision.
20. Having regard to all other matters raised, including representations by interested parties, the appeal is therefore allowed.

Chris Couper

INSPECTOR