



Appeal Decision

Site visit made on 25 July 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2022

Appeal Ref: APP/M5450/W/21/3284629

78 Evelyn Drive, PINNER, HA5 4RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Samee Siddiqui against London Borough of Harrow.
 - The application Ref P/2767/21, is dated 14 June 2021.
 - The development proposed is single and two storey side to rear extension, single storey rear extension and rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for single and two storey side to rear extension, single storey rear extension and rear dormer at 78 Evelyn Drive, Pinner HA5 4RW, in accordance with the terms of the application, Ref P/2767/21, dated 14 June 2021, subject to the conditions set out below:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following documents and plans: 01; 02 Rev A; 03; 04; Site Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 4) The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Preliminary Matters

2. In the banner heading and decision above, I have used the description of development in the appeal form as this more accurately describes the development.
3. The Council's statement of case was submitted after the date indicated in the appeal timetable. This would not be accepted in most instances as it is information submitted after the prescribed deadline. However, given that this is a failure case, without an officer's report or decision notice, I have considered it reasonable in this instance to accept the information to ensure my decision is robust and comprehensive, while ensuring all the parties have set out their positions. The appellant has been given an opportunity to comment on the Council's case.

Background and Main Issue

4. This appeal has been lodged following the Council's failure to determine the application within the relevant timescale. The Council in their submission includes a reason for refusal had they been able to determine the application. This includes reference to those development plan policies that it considers to be relevant to the refusal reason put forward.
5. In view of the above background, the main issue is the effect of the proposed extensions on the character and appearance of the dwelling and the surrounding area.

Reasons

6. The appeal site comprises a corner plot with a frontage onto Evelyn Drive and a side boundary facing Meredith Close.
7. Evelyn Drive and Meredith Close consist largely of detached and semi-detached dwellings. These streets are characterised by a distinct sense of space and openness that is derived from properties being set back from the road, unenclosed front gardens and driveways, grass verges and wide pavements. These open and spacious qualities contribute positively to the area's character.
8. The Council has confirmed that planning permission has been granted for a two-storey side extension at the appeal site that extends to within 0.5m of the side boundary with Meredith Close¹. In addition, a rear dormer extension has recently received a Lawful Development Certificate (LDC)². During my site visit I observed that the rear dormer was nearing completion, while the permission relating to the side extension had not begun.
9. For side extensions on corner sites the Harrow Residential Design Guide Supplementary Planning Document (SPD), advises that these should reflect the pattern of development in the street, particularly where the character is open and spacious. New extensions will need to consider the established character, visual impact and should be sited a minimum of 1 metre from corner boundaries at first floor level. For first floor rear extensions, these should be subordinate where they adjoin side additions and set in a minimum of 500mm further from the corner boundary having regard to their mass and prominence in the street.
10. The proposed side and rear extension would fill the undeveloped space between the property's flank wall and side boundary. As such, the desired 1 metre distance from the boundary would not be maintained. Yet the adjacent pavement and grass verge provide a wide gap together with the vehicular carriageway that would allow for largely unaltered views of Meredith Close and a continued appreciation of its spatial qualities. Moreover, the proposal by virtue of the modest side projection towards the road would not unacceptably erode the existing sense of space around the dwelling. Accordingly, it would safeguard this aspect of the area's character, rather than harm it.
11. The proposed rear first floor extension would be well set down from the main roof of the appeal dwelling and project around 3.7m from the dwelling's rear

¹ Local Planning Authority Ref P/0953/22

² Local Planning Authority Ref P/0949/22

wall, ensuring that its scale and massing is subordinate and not excessive to the point that it would overwhelm the host property.

12. When viewed from the street the first-floor side and rear extensions would be visible given the site's corner plot position. The set down and set back of these additions from the dwelling's roof and front elevation would help reveal the envelope of the host building and distinguish it from the additions. From medium and long-range views, the visibility of the extensions would diminish as they would be screened by existing dwellings, along with the perceived narrowing of the gap formed around the Evelyn Drive and Meredith Close junction. On this basis, the proposal would be visually acceptable within the street.
13. As indicated above, a LDC was issued for a rear dormer extension at the appeal property. The approved drawings appear to show that the rear dormer is equal in terms of appearance and scale to the scheme proposed in this appeal. Nonetheless the Council continue to have concerns regarding the size and position of the dormer given that it does not comply with technical requirements in the SPD. Despite this the LDC scheme represents a genuine fallback position given the advance stage of works. Given what I saw and the lawful status of the rear dormer, I have no concerns regarding this aspect of the scheme.
14. In conclusion, the proposed extensions would have an acceptable effect on the character and appearance of the dwelling and the surrounding area. They would accord with Policy D3 of the London Plan (2021), Core Policy CS1 (B) of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013). These require, amongst other things, that proposals respond to local character and distinctiveness, while ensuring the appearance and scale of proposals is acceptable in the context of existing development. Although there would be some technical breaches of aspects of the SPD, the proposal would accord with its aims insofar as being subordinate to the host building, while respecting the pattern of development in the street. The design objectives of the National Planning Policy Framework as set out in Paragraph 130 would also be met.
15. The Council's case refers to conflict with Policy D11 of the London Plan (2021). I have not had regard to this in my conclusion as it relates to safety, security and resilience to emergency; matters which are unrelated to the main issue in this appeal.

Other Matters

16. Concerns have been raised by third parties indicating that no similar extensions have been approved in the locality. Whilst that, may be the case, this does not prevent me from finding the proposal to be acceptable in visual terms.
17. There are also concerns regarding a potential loss of light to No 80 Evelyn Drive (No 80). On this matter the proposed two storey rear extension would be set well away from the boundary with No 80 and would not significantly project beyond its first-floor windows such that light would be blocked from entering rooms.
18. The appeal property is located adjacent to the Pinnerwood Estate Conservation Area (CA), albeit separated by Meredith Close's pavement and carriageway.

The dwellings within the CA are older and more intricate in terms of their design, while being laid out along attractive tree lined roads. Given the separation distance the proposal would maintain from the CA's boundary, the Council's Conservation Officer did not object to the effect of the proposal upon its setting and therefore its significance. I have no reason to disagree with this view considering my findings on the main issue.

Conditions

19. In addition to the standard time limit condition, I have considered it necessary to include a schedule of plans that the development relates to, for the avoidance of doubt and in the interests of certainty. Also, a condition requiring materials to match the existing dwelling is necessary to ensure the proposal safeguards the character and appearance of the dwelling and the street. To ensure the roof area above the single storey rear extension is not used as a balcony with consequential effects on neighbouring privacy, a condition is necessary to prevent this form of development from occurring.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed and planning permission granted.

RE Jones

INSPECTOR