



Appeal Decision

Site visit made on 27 September 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/M5450/W/22/3299533

13 and 14 Orchard Close, Edgware HA8 7RE

- 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 Michele Calleja against the decision of Council of the London Borough of Harrow.
 - The application Ref P/4641/21, dated 23 November 2021, was refused by notice dated 23 March 2022.
 - The development proposed is first floor side extensions and two storey rear extensions to both properties; rear dormer to each property; external alterations
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Decision

1. The appeal is allowed and planning permission is granted for first floor side extensions and two storey rear extensions to both properties; rear dormer to each property; external alterations at 13 and 14, Edgware HA8 7RE in accordance with the terms of the application, Ref P/4641/21, dated 23 November 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the interests of brevity and consistency I have taken the description of development and the site address from the appeal form. These more accurately describe the appeal site and the proposed development than the description on the planning application form.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area with particular regard to i) the design of the proposal and ii) protected trees.

Reasons

Design

4. Nos 13 and 14 Orchard Close are a pair of large semi-detached properties, both of which have a mirrored front gable projection, a hipped roof and recessed side extension. The site is located in a cul de sac of semi-detached dwellings set in spacious plots, some of which have been extended and altered to the front elevation. Each pair of dwellings differ in form and articulation. The site borders Canons Park to the rear, from which the site is screened by dense boundary vegetation.
5. The site is located in the Canons Park Estate Conservation Area (CA) which incorporates Canons Park and the residential properties to the east. The

prevailing character of the area is formed by large inter-war suburban properties with individual frontages set within spacious plots, and the street layout reflects that of the grounds of Canons Palace, on which the CA is sited. This, as well as the generous width of grass verges, and mature planting within streets and front gardens, contributes to the green and spacious character of the CA, which, along with the historical connection to Canons Palace, and the quality of architectural design, is part of its significance. Given the limited visibility of the rear elevation from the surrounding area it appears that the positive contribution the appeal property makes to the CA relates to the layout, form and frontages of the buildings, as opposed to the rear elevation.

6. The proposal would result in alterations to the roof form which would change the gradient of the roof pitch to the principal roof slope. Whilst these alterations would be visible from the front elevation and wider street scene, they would represent a minor amendment to the existing roof pitch which would not alter the overall appearance of the dwellings and would not cause undue bulk in the street scene or alter the prominence of the existing chimney stack. Additionally, given the variety in dwelling design and roof forms in the street, the altered roof pitch would not undermine the continuity of the street scene.
7. The existing recessed side extensions would be pulled forward with an altered roof pitch to match the principal roof slope. These extensions would be set back from the principal elevation, would be subservient in scale to the appeal properties and would not detract from the prominence of the existing feature corner windows. The extensions would retain the existing width and would not enclose a gap between dwellings. Consequently, the proposed side extensions would not subsume or erode the existing built form or alter the spacious character of the appeal site or the surrounding area.
8. The site is within the Canons Park Estate Conservation Area (CA) and I have a duty to have special regard to section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The proposed two storey rear extension would obscure the original roof form to the rear elevation and would wrap around the side and rear elevations of the appeal properties. Notwithstanding this, I find that the proposed extension is subservient in scale in relation to the large appeal properties, which themselves are set within spacious plots, and is of a design which is consistent with the character and appearance of the host properties. Additionally, the dormer windows are set in at the edges of the roof and, whilst modern in appearance, are of an appropriate scale, design and materials to the appeal site. Consequently, I find that the proposed extensions would not dominate the appeal properties, compromise the original form of the house or the openness of the area. Furthermore, views of the rear elevation from within the CA are limited, and the effect of these alterations on the character and appearance of the CA are therefore minimal.
9. Consequently, I find that the positive contribution the appeal property makes to the special interest and the character and appearance of the CA is not compromised because of the proposed extensions and alterations. The proposal would preserve the character and appearance of the CA.
10. The appeal site adjoins the boundary of the grade II listed registered park and garden of Canons Park. The CAA identifies a number of listed buildings within

the park. Statute¹ requires that I pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

11. From my observations the setting of these listed buildings is confined to Canons Park. A thick screen of vegetation visually and spatially separates the site from the park. I consider that the setting of the park largely derives from its historical and aesthetic value as an 18th century landscaped park. There is no indication that the site has any form of historic significance in association with the park. Consequently, the setting of the park is unaffected by the proposal. As I have found that the setting of the listed buildings is confined to the park therefore the setting of the listed buildings would also be preserved by the proposal.
12. I conclude that the proposed extension would not have a harmful effect on the character and appearance of the appeal site or the CA. I therefore find no conflict with those aims of The London Plan (2021) (LP) Policy D3, Policy CS1 of the Harrow Core Strategy (2012) or Harrow Development Management Policies Local Plan (2013) (DMP) Policies DM1 and DM7, which seek to ensure that development achieves a high standard of design and layout which responds to local distinctiveness and to local and historic context, and respects, enhances and utilises heritage assets. I find no conflict with the guidance set down in the CAA or the Harrow Residential Design Guide Supplementary Planning Document (2010) which has similar aims. I find no conflict with the National Planning Policy Framework (The Framework) which requires that great weight should be given to the conservation of heritage assets.

Protected trees

13. The trees within the appeal site are protected by reason of being in a conservation area. The Planning Practice Guidance (PPG) states that trees in a conservation area that are not protected by a Preservation Order are protected by the provisions in Section 211 of the Town and Country Planning Act 1990.
14. The application is not supported by a tree survey or arboricultural report. The Council state that they are unable to ascertain if the proposal would result in harm to trees located on the shared boundary between the appeal properties and on the boundaries with the neighbouring properties. These trees are located to the rear of the appeal site and are well screened from Canon Hill Park. Due to their siting and small scale the amenity value of these trees is limited to the appeal site and neighbouring properties. Consequently, they make a neutral contribution to the character and appearance of the area.
15. The Council state that they are unable to ascertain if there would be any harm to these trees, which it is stated are of value due to their location within the CA. However, given the siting and scale of these trees and the limited contribution they make to the character and appearance of the CA, the harm would be limited and even if tree protection measures could not be effective any amenity value that these specific trees provide can be adequately achieved through further planting. Consequently, in addition I have attached a condition requiring details of existing and proposed landscaping to complement the tree protection requirement.

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

16. Thus, I conclude that with regard to the effect upon protected trees, the proposal would not have a harmful effect on the character and appearance of the appeal site or the CA subject to the conditions that I am imposing. The character and appearance of the CA would be preserved and so would the setting of Listed Buildings within with Canon Hill Park. The proposal therefore accords with the aims of LP Policy G7 and DMP Policies DM1 and DM22 which seek to ensure that, wherever possible, existing trees of value are retained and that works to trees in conservation areas do not risk compromising the amenity value or survival of trees. I also find no conflict with the Canons Park Conservation Area Appraisal and Management Strategy (2013) (CAA) which encourages the retention of trees, or the Framework, which acknowledges the important contribution made by trees to the character and quality of urban environments.

Other Matters

17. Comments regarding parking limitations in the local area are noted. However, I note that the Council did not object to the proposal in relation to parking provision or highway safety and furthermore that the proposal would not displace any existing car parking spaces. Consequently, I find that the proposal would not result in harm in this regard.

Conditions

18. I have had regard to the conditions suggested by the Council in their statement of case, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and Planning Practice Guidance (PPG), without altering their fundamental aims. I have referred to some required conditions above.
19. In addition to the standard time limit condition, it is necessary to specify the approved plans in the interest of certainty. In the interest of the character and appearance of the street scene, a condition is necessary to control the external materials of the development.
20. The Framework and PPG state that removing Permitted Development (PD) rights should only be done in exceptional circumstances. However, if a proposed development would only be acceptable if certain PD rights are not exercised in the future, it may be necessary and reasonable to impose a condition to withdraw those rights. In the interests of safeguarding the privacy of the occupants of 47 and 49 Canons Drive and 12 Orchard Close it is necessary to control the installation of obscure glazing. I have amended the wording to the latter part of the Council's suggested condition so that the restriction to openings relates only to the side elevations of the proposed dwelling rather than all elevations. This is necessary in the interests of safeguarding the privacy of the occupants of Nos 2a and 4.
21. In accordance with the aims of LP Policy G7, which seek to ensure that development secures net biodiversity gain, a condition is necessary for biodiversity enhancement.
22. It has been suggested that a planning obligation under Section 106 of the Act is necessary to ensure that the development is commenced and completed for both properties simultaneously so that a partial construction would not be of

significant detriment to the other property. I have taken this to refer to the potential effect on the living conditions of the occupants of 13 and 14 Orchard Close respectively and the character and appearance of the area. A planning obligation has not been submitted in order to secure the implementation of the development across both properties. Unless the development is carried out concurrently across the 2 properties, I agree that it could result in harmful effects. However, I have attached a condition to ensure that no development can be undertaken until a scheme which sets out that the development will be staged and programmed concurrently has been approved by the Council, before any development can take place. Whilst this could involve the entering into a planning obligation, it will be a matter for the Council to consider whether that is essential or not or whether other contractual safeguards are sufficient.

Conclusion

23. For the above reasons, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Nichola Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

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 approved drawings Nos 1905.00.00, 1905.00.00-1, 1905.00.01, 1905.02.02, 1905.02.01 and 1905.02.03 .
3. The external surfaces of the development hereby permitted shall be constructed to match the materials as stated on the approved plans.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or any other openings (other than those expressly authorised by this permission) shall be constructed on the side elevations of the extensions hereby approved.
5. Notwithstanding the plans hereby approved, the first floor bathroom, toilet and landing windows in the side elevations of the extensions shall be obscure glazed to a level equivalent to Pilkington Level 3 or above and shall be non-opening up to a minimum height of 1.7 metres above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

6. The measures outlined in the Biodiversity Gain Plan shall be implemented and completed within 3 months of the completion of the development and retained for its lifetime thereafter.

7. The development hereby permitted shall not commence until a tree protection plan and method statement in accordance with British Standard 3998 (Tree Work) for the development has been submitted to, and approved in writing by, the local planning authority. Any recommendations and details of any approved documents shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

8. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

10. No development shall commence until a scheme has been submitted to and approved in writing by the Council to ensure the staging of the construction of the development is undertaken concurrently across properties 13 and 14 Orchard Close. The development shall be carried out in accordance with these details as approved.