



Appeal Decision

Site visit made on 4 October 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/M5450/W/21/3288178

Alden Mead 14 The Avenue, Hatch End, Pinner HA5 4ES

- 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 Berkovits against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1890/21, dated 5 May 2021, was refused by notice dated 18 November 2021.
 - The development proposed is for a single storey roof extension providing 2 No. 1-bed flats.
-

Decision

1. The appeal is allowed, and planning permission is granted for a single storey roof extension providing 2 No. 1-bed flats at Alden Mead 14 The Avenue, Hatch End, Pinner HA5 4ES in accordance with the terms of the application, Ref P/1890/21, dated 5 May 2021 subject to the following conditions in the attached schedule.

Preliminary Matters

2. The site address and description are taken from the planning application form.
3. The original planning application was refused by the Council contrary to the advice of officers. I have not been provided with a statement of case by the Council to support this position. Accordingly, I have determined the appeal on the evidence before me including those from third parties and my own observations.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of nearby residents, particularly those within 12 The Avenue (No.12) with regard to outlook and sunlight.

Reasons

Character and appearance

5. The appeal site is located within a mature and leafy residential area. The locality is, in general, characterised by a mix of suburban type 2-storey dwellings and later 3-storey flatted developments some of flat roof design.

6. Looking at the proposal in context, the roofline of the existing building sits marginally lower than its immediate flatted neighbour, Sandy Lodge, and somewhat lower than the apex of the adjacent traditional hipped roof dwelling.
7. Although the resultant height of the proposal would exceed that of the buildings either side, Alden Mead has generous separation from its neighbours. Street and frontage trees filter opportunity to make direct comparison.
8. Moreover, the modelling of the proposed roof, in combination with modest dormers, and the external facing materials, would break the visual massing of the new storey. I am satisfied that the proposal would not appear over-dominant in relation to either Sandy Lodge or No.12.
9. Turning to matters of detail, the fenestration of the proposed roof extension would be articulated appropriately to match the existing building, and the proposed and existing window positions would align. The proposed balconies would also reflect those on the host property and cladding materials to be used are commonly associated with roofing and dormers. There is evidence in the immediate area of similar tile hanging on the front of flats. Notwithstanding that it does not reflect the pitched roof properties in the area, there are a significant number of examples of flat roof buildings which the appeal proposal would sufficiently reflect.
10. The buildings on nearby streets of Cedar Road and Walpole Close include lower traditional 2-storey dwellings and dormer bungalows. However, the properties on Walpole close are also seen against taller properties on The Avenue, buildings called Heathlands Point. Heathlands has a similar position on The Avenue as the appeal building, but greater visibility in the area. Ashwoods is also taller than adjacent buildings also sited on The Avenue.
11. No additional formal parking is proposed on the site, however additional cycle parking will be provided within a purpose-built structure within the rear garden which would be visually well contained within the site. Overall, I am satisfied that the proposal would not be out of place in such surroundings and would not be harmful to the character and appearance of the area.
12. Consequently, it would accord with Policy D1 of The London Plan 2021 (The London Plan), Policy DM1 of the Harrow Development Management Policies 2013 (DMP) and Policy CS1 of the Harrow Core Strategy 2012 (CS). Combined and insofar as they are relevant to the appeal these seek to ensure that development should not be detrimental to local character and appearance, and extensions should respect the host building. For similar reasons I find the proposal would also fulfil the guidance within The National Planning Framework 2021 (the Framework) on achieving well-designed places.

Living Conditions

13. The Council's decision notice sets out that the development would be detrimental to the interests of residential amenities of the neighbouring properties, particularly No.12 given its close proximity to the appeal site. There is no other evidence from the Council which explains this aspect of its reason for refusal.
14. For my part, I noted at my site visit that this property has windows facing the side of Alden Mead, which appeared to be of a secondary nature. As these windows have restricted outlook, to the extent that they face the existing

building and there is some screening boundary vegetation, I am satisfied that there would be no material loss of outlook. Similarly, as a result of these factors, the gap between the respective buildings, and the relative orientation to the north-west, there is no evidence to show that there would be an adverse effect on daylight and sunlight within the dwelling.

15. In terms of the potential of being overlooked from the new development, the facing elevation already contains six side facing windows. The two additional windows, serving a kitchen in each case, with their greater height and consequential restricted angle of view would make direct overlooking difficult. In my opinion, the proposal would not result in an increased loss of privacy.
16. To my mind, the side elevation and outdoor amenity space for No.12 is already heavily influenced by the presence of Alden Mead and established boundary screening. Although the greater height of the neighbouring building would be apparent, I consider that, as a result of the level of separation and intervening screening, the enjoyment of No.12's outdoor space would not be diminished to a material extent, even taking into account the proximity of the cycle store which is of a mono-pitch roof design sloping away from the boundary.
17. With reference to properties in Walpole Close and Cedar Drive, sufficient separation would exist to accommodate the increased height of the building and the proposed rear facing windows without undue loss of privacy or outlook. In addition, the new balcony would be screened to the side to restrict potential for overlooking. The same considerations would apply to the front aspect of the proposal. The proposal would retain acceptable levels of privacy for the occupiers of neighbouring premises.
18. Given the extent of the development, for two one-bed units, I consider that this level of development would be unlikely to lead to excessive activity, noise and disturbance from future occupiers, particularly as there are no overlaps in terms of the type of room stacking between floors.
19. For the above reasons, the proposal would not harm the living conditions of the occupiers of No.12 The Avenue or neighbouring properties. The proposal would therefore accord with DMP Policy DM1 where it seeks to respect and have regard to neighbouring occupiers. The proposal would also meet the aims of the Framework where it seeks to ensure a high standard of amenity.

Other Matters

20. The Council's officer report sets out that The London Plan sets a maximum parking rate, as such, no additional on-site parking is required for the development. The Council's transport team have confirmed that there will be no unacceptable parking or traffic impact. I note the proximity to public transport links and services which could be accessed on foot. In addition, at the time of my site visit I noted many on-street spaces available in the vicinity of the appeal site. I appreciate this may not always be the case, and I note the competition for parking at the appeal property. Although interested parties have raised that existing garage sizes are considered unsuitable for cars, I concur with the view of the Council's Highway section that there would be sufficient on-street capacity and on-site space for the small amount of parking that this proposal could generate if future occupants chose to have a car.

21. The Council acknowledge that the internal height of the additional accommodation would not meet, by a very minor degree, that required by The London Plan Policy D6. However, this aspect has not been transposed to the reason for refusal and in all other respects the Council's officer report sets out that the proposals would exceed the requisite Gross internal Area (GIA) and fulfil the outdoor space requirements of Policy D6.
22. Overall, the proposed layouts replicate the layout of existing homes below and would provide good living accommodation and storage for future occupiers. The provision of private balcony space in combination with the communal garden, which I do not consider would be unreasonably compromised, are suitable for the proposed scale and type of development. As such I concur with the view within the officer report that the minor breach of floor to ceiling height is acceptable and, in any event, would be outweighed by the added internal floor space.
23. Cycle storage facilities have been confirmed by the Council's transport officer to be acceptable and the tree officer has raised no objection to the 'no-dig' type hardstanding required for it. The tree within the front boundary is subject to a Tree Preservation Order and can be protected during construction by condition.
24. Fire Safety Policy D12 of The London Plan requires all development proposals to achieve the highest standards of fire safety and compliance with specific criteria. Although fire safety compliance is covered by part B of the Building Regulations, it is acknowledged that measures should be designed before building control stage. This is a matter that could be secured by condition attached to any grant of permission.
25. Various matters have been raised in relation to effects of the proposal on groups with protected characteristics with general reference to age and disability. In determining the appeal, I have had due regard to the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010. However, in the circumstances of this case, there is nothing to suggest that the provision of additional residential accommodation above an existing building, and the provision of a bike store, would have a negative impact on the characteristics identified.
26. Although representations point to the absence of a lift to serve the new floor, the officer report outlines that as this is an addition to an existing building it would not be expected to provide a lift and internal access and circulation would be a matter for the Building Regulations. However, it is important that the residential accommodation should be accessible and adaptable, and this can be achieved by condition requiring compliance with the relevant part of the Building Regulations.
27. Interested parties contend that communal spaces would also become congested. To my mind, it is very unlikely that occupants will routinely all use the staircase and bin storage areas at exactly the same time each and every day to harm the living conditions of existing residents.
28. The rights between the freeholder and the leaseholder, and intentions of the appellant, are not matters before me and have no bearing on my assessment of the appeal. Similarly access required to existing garages, and whether rainwater would run off onto neighbouring property is a civil matter. The issues raised regarding structural integrity, compensation and alternative

accommodation during construction are also beyond my remit. Additionally, there is no substantive evidence that foul drainage or utilities would be compromised by the proposal.

29. It has been suggested that the proposal, if built, would set a precedent for similar forms of development in the locality. I see no reason why, if this proposal were to be allowed, that it would undermine the Council's ability to exercise its judgement in relation to similar development proposals on this or other sites, especially because each case is determined on its own merits and because each site will have different constraints and opportunities.
30. My attention has been drawn to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 20, for which adding up to two additional storeys may not require planning permission. The appellant contends that at Alden Mead, permission will fall under Part 20 which is relevant to the creation of additional flats on top of an existing residential detached block of flats. However, I have not been provided with a clearly defined fallback position in relation to all the parameters and in any event, I have found the proposal to be acceptable on its own merits.

Conditions

31. I have included all the conditions suggested by the Council in their Suggested Condition Appendix with minor modifications for precision and clarity. These include the standard time condition in which the development is to commence and listing of the approved plans for certainty.
32. Condition 3 requires agreement on how the works are to be undertaken, to minimise impacts on local residents. However, whilst I sympathise with the effects regarding the disruption from building work, this is likely to be covered by other legislation, with the Council's officer report highlighting The Party Wall etc. Act 1996. I am also imposing conditions securing agreement on materials of construction, protection of trees, communal television apparatus and refuse storage in the interests of amenity. Conditions 8 and 9 relate to specifications for accessibility and adaptability and fire safety as discussed above.

Conclusion

33. The proposal would accord with the development plan taken as a whole. There are no material considerations, including those within the Framework that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above I conclude that the appeal should be allowed.

K Williams

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement (dated May 2021); WFH A L01.203 Proposed Site Plan (11.02.2021); 3070 A L01.204 Proposed Cycle Store (11.02.2021); 3070 A L04.201A Proposed Street Elevation (11.02.2021); 3070 A L04.202A Proposed Front Elevation (11.02.2021); 3070 A L04.203A Proposed Rear Elevation (11.02.2021); 3070 A L04.204A Proposed Side Elevation (11.02.2021); and 3070 A L04.205A Proposed Side Elevation (11.02.2021).
- 3) No development shall take place, including any works of demolition, until a detailed demolition and construction logistics plan has first been submitted to the Local Planning Authority in writing to be agreed. The plan shall detail the arrangements for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in construction the development;
 - iv) the erection and maintenance of any security hoardings including decorative displays and facilities for public viewing;
 - v) wheel washing facilities;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) measures for the control and reduction of dust;
 - viii) measures for the control and reduction of noise and vibration; and
 - ix) how traffic would be managed to minimise disruption.x) A scheme for the timing of construction works
The demolition works and construction of the development shall be carried out in accordance with the plan so agreed.
- 4) Notwithstanding the details shown on the approved drawings, the development, hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been made available to view on site, and approved in writing by, the local planning authority:
 - i) facing materials and roof tiles for the buildings;
 - ii) balcony balustrades (to match the design/appearance and materiality of the existing balustrades); and
 - iii) windows/ doors.The development shall be carried out in accordance with the details and shall thereafter be retained.
- 5) During construction works all trees on site shall be retained. Protective fencing shall be erected around the root protection area (excluding the driveway) of the Tree Preservation Order Tree within the front garden (Tree T10, TPO No.252). Fencing shall be erected 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.

- 6) The development hereby permitted shall not be first occupied until additional details of a strategy for the provision of communal facilities for television reception (e.g., aerials, dishes and other such equipment) has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the development and shall thereafter be retained. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.
- 7) The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.
- 8) The development hereby permitted shall be constructed to the specifications of: "Part M, M4 (2), Category 2: Accessible and Adaptable Dwellings" of the Building Regulations 2013 and thereafter retained in that form.
- 9) The development herein approved shall commence until a Fire Safety Statement has been submitted to and approved in writing by the Local Planning Authority, this statement shall include details of how the development will function in terms of the following:
 - i) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point;
 - ii) is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures;
 - iii) is constructed in an appropriate way to minimise the risk of fire spread;
 - iv) provide suitable and convenient means of escape, and associated evacuation strategy for all building users;
 - v) develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published to be included), and which all building users can have confidence in; and
 - vi) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.The development shall be operated in accordance with the approved details in perpetuity.

End of Schedule