



Appeal Decision

Site visit made on 3 April 2023

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/M5450/C/22/3299789

Land at 27 Silver Close, Harrow HA3 6JT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Ms Nadia Ghaoui against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The notice was issued on 3 May 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised construction of a single storey wooden and Perspex canopy structure to the rear of the dwellinghouse ("the Unauthorised Development").
 - The requirements of the notice are [to]:
 - 1) Demolish the unauthorised development.
 - 2) Remove from the land all material and debris arising from compliance with the aforementioned requirement of the notice.
 - The period for compliance with the requirements is 2 calendar months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, as amended, for the development already carried out, namely the construction a single storey wooden and Perspex canopy structure to the rear of the dwellinghouse at 27 Silver Close, Harrow HA3 6JT as shown on the plan attached to the notice.

The appeal on ground (a)

2. The appeal on ground (a) is that planning permission ought to be granted for the matters alleged in the notice. In doing so, the appellant seeks to retain the canopy structure as currently constructed.
3. Therefore, the main issue in this case is the effect of the development on:
 - the character and appearance of the surrounding area; and,
 - the living conditions of neighbouring residents, with particular regard to outlook.

Character and appearance

4. The appeal property is a two storey detached dwelling in a residential area. The surrounding area is characterised by dwellings of a similar design with spacious

- rear gardens containing a variety of small scale structures such as garden sheds and other domestic paraphernalia.
5. There are limited views of the development, which are confined to views from the rear gardens of adjacent neighbouring properties. There are no wider public views, and the site is not visible from the street.
 6. The development abuts the rear elevation of the dwelling with a strip of lead flashing joining it to the house. The structure has the appearance of a large garden pergola with timber frame and open sides, with some timber panels to a low level providing a degree of enclosure. Its floor is made of timber decking and its overhanging roof is constructed from transparent Perspex sheets. Plastic guttering and decorative hanging baskets are fixed to its timber frame. In this regard, I note that similar timber framed structures are commonly found within residential gardens. Therefore, the development does not appear out of place and has the appearance of a typical, albeit large, pergola style domestic garden building.
 7. The development appears to have been constructed to a high standard with professional joinery and the discreet use of Perspex sheets. Therefore, I do not find it to have a makeshift or incongruous appearance within this domestic setting.
 8. The pergola is a sizable structure, with its roof sitting just below the dwelling's first floor windows. Nonetheless, it is of a subservient scale when viewed against the host two storey property and it does not overwhelm its spacious garden setting.
 9. For these reasons, I conclude that the development does not harm the character or appearance of the surrounding area. Therefore, the development accords with Policy DM1 of the Harrow Council Development Management Policies 2013 and Policy D3 of the London Plan 2021, in so far as these policies seek to achieve a high standard of design that responds to the character of its surroundings.

Living conditions

10. The Council and objectors are concerned that the development detracts from the visual amenity of neighbouring residents, adversely affecting their outlook. In this regard, I acknowledge that the development is visible from the rear gardens of neighbouring properties and, to a lesser degree, from windows that overlook the site.
11. Nevertheless, despite its sizable scale and footprint, the development is set well back from the shared boundaries with neighbouring properties. The lack of full height solid elevations further reduces its visual presence. The development does not, therefore, appear as an overly assertive or oppressive form of development. Nor does it dominate the view from any neighbouring property.
12. A neighbouring objector has suggested that the thick Perspex sheeting is poorly secured, flaps noisily in the wind, and reflects light into the neighbouring gardens. However, I did not observe any loose-fitting Perspex sheets during my visit, and I have not been provided with any evidence to substantiate the neighbour's concerns in relation to noise. The Perspex sheeting is a reflective material, but it largely faces upwards towards the sky and at a slight angle to the north. Therefore, considering the trajectory of the sun, coupled with the

height of the roof, it is unlikely to produce any prolonged periods of reflective glare towards neighbouring properties.

13. Consequently, taking these points together I find that the development does not adversely affect the living conditions of neighbouring residents, with particular regard to their outlook. As such, there is no conflict with Policy DM1 of the Harrow Council Development Management Policies 2013 and Policy D3 of the London Plan 2021, which together, among other things, seek to ensure that development proposals have regard to any impact on neighbouring occupiers, delivering appropriate outlook, privacy and amenity.

Other Matters

14. A neighbouring objector has raised concerns over the appellant's previous extensions of the house and the erection of a partition wall to the front of the property. However, these matters are outside of the scope of this appeal, which is concerned with the planning merits of the unauthorised development as cited in the enforcement notice.

Conclusion

15. For the reasons given above, I conclude that the appeal succeeds on ground (a). Therefore, I shall grant planning permission for the development as described in the notice.

J M Tweddle

INSPECTOR