



Appeal Decision

Site visit made on 29 November 2022

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/M5450/W/22/3301234

27 Derwent Avenue, Pinner HA5 4QH

- 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 Deshmukh against the Council of the London Borough of Harrow.
 - The application reference P/0126/22, is dated 16 January 2022.
 - The development proposed is the removal of existing roof, first floor extension including front and rear dormers, part two storey, part single storey side extension, facade changes and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing roof, first floor extension including front and rear dormers, part two storey, part single storey side extension, facade changes and internal alterations at 27 Derwent Avenue, Pinner HA5 4QH in accordance with the terms of the application, Ref P/0126/22, dated 16 January 2022, subject to the following 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: D109_A_1--_P01, D109_A_104 P01; D109_A_105 P01; D109_A_106 P01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The Council have not issued a refusal notice. However, in the absence of supporting evidence from the Council when the appeal was submitted, additional evidence was sought as to the reasons why the Council would have refused planning permission had it been able to do so.
3. Therefore, I have had regard to the Council's response and subsequent appeal statement, in so far that it provides clarity in terms of the reasons why the Council would have refused planning permission. In the interests of natural justice, the appellant has had the opportunity to make representation on this additional evidence. I have dealt with the appeal on this basis.

Main Issues

4. The main issues of this appeal are:

- the effect of the proposed development on the character and appearance of the host building and the surrounding area;
- the effect of the proposed development on the living conditions of the occupants of No. 29 Derwent Avenue (No.29), with particular reference to outlook, sunlight and daylight.

Reasons

Character and Appearance

5. Derwent Avenue has an eclectic mix of detached bungalows and houses, many of which have had first floor extensions and roof alterations. From the front of the appeal site, I saw a number of first floor roof extensions within the same row and opposite, many having flat roof elements, including a flat roof rear and side dormer at No.29, one of the neighbouring houses.
6. The appeal bungalow is proposed to be modified, removing the existing gable over the bay window to provide a new raised roof. This would be achieved by increasing the side eaves, main roof ridge and extending the roof further back over an existing ground floor rear extension. A central first floor gable dormer window would be similar in style, height, width and depth to that seen at No.25 Derwent Avenue, with other examples in the street having double first floor gables. The height of the side eaves would be minimised by chamfering the final extent of the roof height, which combined with the front sloping roof and central flat section, helps to reduce the scale and size of the proposed extensions so that they would not appear bulky or excessive.
7. At my site visit I saw that no two detached bungalows or houses were identical, each having different extensions, roof designs and profiles. I also acknowledge that the proposed roof crown would not be similar to any of the other houses nearby. Nevertheless, none of the nearby houses share the same design of roof or profiles. Therefore, the proposed roof form would not appear dominant or obtrusive in the street scene and would not alter the existing pattern of street frontage development. Furthermore, the extent of the roof crown would not be as apparent as others in the street due to the chamfering of the side part of the roof.
8. In terms of the ground floor front bay window, I saw examples within the street scene which had no gable roof above at neighbouring properties. The property at No. 23 also had roof alterations, with a large first floor feature gable in the front roof slope. The focal point of this house was of a similar design to that proposed by this appeal. In this context, the proposed loss of an existing feature gable over the bay window would not appear incongruous or out of keeping with existing properties or within the immediate streetscene.
9. The new front dormer would be less than half of the overall front width of the bungalow and lower than the ridge height of the main roof, so it would not appear disproportionate or overly large in scale in relation to the main roof and house when viewed as a whole. The proposed dormer gable design would also reflect the architectural style of the original host building with its single feature gable.
10. I saw from the rear garden there were many different designs of rear extensions and roof projections. Several of these properties had significant increases to their original depths at single and double storey. The proposed

increase in the main roof depth with rear gable dormer window would be similar to those surrounding properties, resulting in a proposal not appearing bulky in comparison and compatible with the existing character and appearance of the area. Moreover, the retention of a gap between the side boundaries ensures that the extensions do not appear disproportionate in comparison to other extensions and alterations in the same row, maintaining the existing detached character and appearance.

11. In reaching my decision, I have considered the proposed development which includes significant roof alterations and the overall cumulative effect of which subsumes the original form. Paragraph 6.66 of the guidance set out in the Harrow Council, Supplementary Planning Document Residential Design Guide adopted December 2010 (SPD) states that roof alterations and former windows should “compliment the original street character and not dominate buildings or impair their proportions or character”.
12. However, any cumulative impact from the alterations at the rear would be limited to views from neighbouring gardens, again seen in the context of similar alterations at neighbouring houses which are of a similar depth to that proposed by this appeal, so would not be significant. This context is repeated to the front, as most of the houses in the street have been extended significantly, resulting in the loss of the original street character which would have been rows of detached bungalows. The extensions and alterations now represent the established residential area and immediate street scene which paragraph 4.2 of the SPD suggests should inform the design and layout of development.
13. As such, I conclude that the proposed development would not harm the character and appearance of the host building and surrounding area. There is no conflict with Policy CS1 of the Harrow Council Core Strategy February 2012 (HCCS), Policy DM1 of the HCDM, policies D3 of The London Plan: The Spatial Development Strategy for Greater London March 2021 (LP), and guidance provided in SPD. These policies and this guidance seek, amongst other things, that new development respond positively to the local and historic context in terms of design, siting, density and spacing, and reinforce the positive attributes of local distinctiveness.

Living Conditions

14. No.29 is set away from the shared boundary with the appeal house and has windows in a side and rear first floor dormer extension. At my site visit I saw that the rear window from the larger of the two side elevation windows, both served the same habitable room. Chapter 6, paragraph 6.26 of the SPD seeks to protect windows to habitable rooms and kitchens on neighbouring premises. The appellant in their evidence states that they consider the side elevation windows at No.29 to be ‘protected’ windows and I have no reason to disagree.
15. The Council has not made an assessment on the effect of the proposal on outlook, sunlight or daylight experienced by occupiers of No.29, but have expressed concern on the impact on existing occupiers living conditions. However, the design would accord with paragraph 6.32 of the SPD which states that the height of any new extension adjoining a ‘protected’ window should not interrupt an upward plane angled at 45° from the lower edge of the glazed area of that window.

16. Furthermore, the Council's evidence indicates that the proposed gable is some 4.7 metres high which would be lower than the highest part of the existing bungalow as indicated on plan D109_A_106 P01, where the appeal property with proposed extensions is shown as part of the street. As a result, the proposed extensions would clearly not breach the 45 degree line from the bottom edge of the side dormer and protected windows would not be interrupted by the proposed extensions.
17. Notwithstanding compliance with the SPD, the combination of the gap between the houses, the side and rear windows serving the same room, the side roof profile and overall height of the proposed extensions would result in sufficient sunlight and daylight to the side elevation dormer windows of No.29. As such there would not be any significant loss of light to the rooms they serve that would harm the living condition of existing occupiers.
18. Although the proposed side eaves would be higher in relation to No.29 than they are currently, the side dormer windows of No.29 already face the roof of the appeal house so this relationship and the outlook from this window would not be greatly altered by the proposed development. Consequently, there would not be any unacceptable loss of outlook from the side windows of No.29.
19. For these reasons, I conclude the proposed development by virtue of its design would not have an unacceptable effect on the living conditions of the occupants of No. 29, with particular reference to outlook, sunlight and daylight. As such there is no conflict with Policy CS1 of the HCCS, Policy DM1 of HCDM, policies D3 of the LP, and guidance provided in the SPD. These policies and this guidance seek, amongst other things, that new development should not result in any significant loss of privacy to neighbouring houses and not cause any unreasonable loss of light or overshadowing to any habitable rooms.

Other Matters

20. The Council notes in its evidence that the eaves of the existing rear extensions constructed under permitted development rights may not be in accordance with the required dimensions. As I am considering what is proposed which includes alterations to this part of the house anyway, and as the Council has not raised any concern about the single storey eaves height, I have not considered this matter further.
21. The Council has provided a copy of Policy DM2 of the HCDM, this policy seeks to achieve Lifetime Neighbourhoods in relation to new residential development. Given the nature and scale of the proposal and the concerns raised by the Council this policy does not seem to be directly relevant.

Conditions

22. I have had regard to the conditions suggested by the Council of which the appellant has had sight of these. I have considered these in light of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed a condition that the external surfaces shall match the original building to safeguard the character and appearance of the area.
23. I have not imposed the suggested conditions for surface and foul water disposal infrastructure as these are not necessary or reasonable because the

appeal property is an existing dwellinghouse with existing drainage connections.

24. I have not imposed the suggested condition regarding the removal of permitted development rights. I do not consider that such a condition is justified having regard to the scale and nature of the proposal. Moreover, paragraph 54 of the Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so.

Conclusion

25. For the reasons given above and having had regard to the development plan as a whole and all other matters, I conclude that the appeal should be allowed.

S Crossen

INSPECTOR