



Appeal Decision

Site visit made on 15 May 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2023

Appeal Ref: APP/M5450/W/23/3319196

11 High View, Pinner, Harrow HA5 3NZ

- 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 Nigel Rennie against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2539/22, dated 8 July 2022, was refused by notice dated 26 September 2022.
 - The development proposed is described as 'Demolition of the existing house to be replaced with a new build 3 storey house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal concerns '...neighbouring properties at Nos. 9 and 11 High View'. However, 11 High View is the appeal site. From the evidence, including the Council's officer report, I have considered the effects of the proposal on the privacy of the occupiers of both next door properties, Nos 9 and 15 High View.
3. The Council has not submitted a Statement of Case in accordance with the timetable set out in the Appeal Start Letter dated 6 April 2023. I have determined this appeal on the basis of the evidence before me, and my observations on site.

Main Issues

4. The main issues are the effect of the proposal on the:
 - Character and appearance of the area;
 - Living conditions of nearby occupiers, with particular regard to privacy; and,
 - Living conditions of nearby occupiers at No 15 High View, with particular regard to natural light and outlook.

Reasons

Character and appearance

5. High View is a residential street with grass verges and footpaths on either side of the carriageway. Towards the eastern end of the street, in the vicinity of the appeal site, there are mature trees within the grass verges. High View contains predominantly detached houses of various traditional designs dating from the 1930s, and which contain small front gardens that are often used as driveways

for cars, with larger gardens to the rear. The houses are generally of a substantial size, and often include an integral garage and front bay window. Many of the houses have been extended, but the tiled, gable and hipped roofs provide considerable visual coherence.

6. The appeal site is currently occupied by a traditional, 2-storey detached dwelling, with a loft conversion containing dormer windows to the side and rear. At first floor level at the rear there is an informal terrace area, towards the boundary with 15 High View. There is a landscaped, gravel driveway at the front, leading to the main entrance and providing access to a flat-roofed integral garage by the eastern boundary with 9 High View. There is a gated access to the rear by the boundary with No 15.
7. The building has a tiled, hipped roof and front bay window typical of the street, and is largely covered with a white render, similar to other houses on High View, including the two next door properties. The traditional design and materials of the existing dwelling makes a positive contribution to the character and appearance of the area.
8. The appeal proposal would entail the demolition of the existing dwelling and the construction of a three-storey plus basement detached house of a very different design. The proposed dwelling would have white rendered walls to the front and sides, with the second floor including large areas of weathered steel cladding. The fenestration would be contemporary, with some aluminium louvres included at the front, whilst the rear elevation would be almost entirely clear-glazed at ground, first and second floor level.
9. The height of the proposed dwelling would be slightly less than the height of the existing building, although its above ground floorspace and massing would be significantly greater. The proposed dwelling would also occupy a different position within the site, with the front elevation set back further from the street, in a similar plane to the front elevation of No 9 to the east, whilst extending further to the rear. The proposed dwelling would be positioned closer to the boundary with No 15 to the west, which is set back further from the street; a pathway to the rear garden would also be introduced by the boundary with No 9.
10. The building would be characterised by vertical and horizontal elements, although within this there would be some variety in terms of heights and depths. The dwelling would have a tiered design, with each upper floor set back from the one beneath to the front and rear; the second floor element would be set back on all sides and would contain a terrace for sitting out, towards the boundary with No 15.
11. The scale and massing of the proposal is not in itself unacceptable and as a new dwelling the proposal would have a consistency of design. Some effort has also been made to respond to the character and appearance of the street, including through the use of white render and with a setback second floor of weathered steel which seeks to reflect the original clay roof tiles.
12. However, this effort is not successful. The flat-roofed, tiered design of the proposal, with the second floor weathered steel cladding, would be greatly out of keeping with the predominant 'Arts and Crafts' style of the dwellings on High View, with their pitched, tiled roofs. Whilst many of these dwellings have been

altered or extended over time, some with flat-roofed elements, this does not significantly alter the prevalent architectural style of the street.

13. I note the appellant's rationale for the proposal, the references to other dwellings and that High View is not in a conservation area. However, I do not consider the design to be innovative or outstanding; it is simply very different in appearance to nearby dwellings and the prevailing architecture of High View and would be an incongruous feature in the streetscene.
14. Notwithstanding the presence of mature trees along the street, the boundary hedges of the site and the further setback position of the proposed dwelling, its significantly increased massing would be more visually prominent than the existing dwelling, amplifying the effects of its inharmonious design.
15. I also note the appellant's concerns that various policies referenced by the Council are not fully consistent with the National Planning Policy Framework 2021 (the Framework). However, I do not find the appellant's arguments to be compelling. In this regard, consistency does not mean replicating the words contained in the Framework in development plan policies, but ensuring the policies are capable of delivering a comparable outcome to that sought by the Framework, whilst reflecting local circumstances.
16. I am satisfied there are no significant inconsistencies between the development plan and the Framework in terms of this appeal. Furthermore, I also note the similarities between the 2018 and 2019 versions of the Framework, which informed the London Plan 2021¹, and the 2021 version of the Framework in terms of design.
17. For these reasons, the proposal would adversely affect the character and appearance of the area. It would, therefore, conflict with Policy D3 (Optimising site capacity through the design-led approach) of the London Plan 2021, with Policy CS1B (local character) of the Harrow Core Strategy 2012 (HCS), with Policy DM1 (achieving a high standard of development) of the Development Management Policies 2013 (DMP), and with the Framework, in this regard.

Living conditions of nearby occupiers - privacy

18. On residential streets such as High View a degree of reciprocal overlooking is to be expected. The next door properties are separated from the appeal site by substantial hedges and planting which effectively prevents overlooking at ground level.
19. The first floor of the rear elevation of the existing dwelling contains French windows, by the terrace on its western side, together with two other windows. All the windows share a common elevational plane and are set-in from the boundaries with the next door properties.
20. The rear elevation of the proposed dwelling would extend significantly further into the garden area at first floor level than the rear elevation of the existing dwelling does, to a similar extent as the first floor rear elevation at No 9. Furthermore, there would be a significant increase in the width of the rear elevation at first floor level, which would be constructed almost entirely of glass.

¹ Spatial Development Strategy for Greater London 2021

21. Whilst the existing first floor terrace towards the western boundary of the appeal site would be removed as a result of the proposal, the more southerly position and substantially greater extent of glazing at first floor level would increase the scope for overlooking of the rear garden area of No 9 from the appeal property. No 9 has a significantly smaller amount of glazing at the rear at first floor level with three much smaller windows with consequently less scope for overlooking.
22. In addition to an increased scope for overlooking of the rear garden of No 9, there would also be a similar increase in the perception of being overlooked there, from the almost entirely glazed first floor rear elevation. Whilst I note the appellant's comments about maintaining the privacy of the future occupiers and that rooms would be equipped with blinds, this would not adequately address the harm I have identified and using blinds in this way is outside the scope of planning control.
23. The existing dwelling has a dormer window positioned centrally on the rear roof slope, which overlooks the rear garden of No 9 and part of the rear garden of No 15. There is another dormer window located on the western side of the roof.
24. The second floor of the proposed dwelling would be set in from the edges of the floor beneath it. However, the second floor rear elevation is positioned a significantly further distance southwards than the existing rear dormer window. Furthermore, the rear elevation at second floor level is almost entirely glazed, a significantly greater area of fenestration than the existing rear dormer. Together this would result in a greater scope for overlooking of the next door properties and would increase the perception of being overlooked.
25. The proposed terrace area is smaller and is set-in from the rear and side compared to the existing first floor terrace. However, its position at second floor level means that it would increase the scope for overlooking of the next door properties. The greater height would also increase the perception of being overlooked.
26. Whilst there would be a reduction in overlooking of the habitable room in the side elevation of No 15 from the proposed terrace compared to the existing terrace, I do not consider the appellant's comments that it would be 'nearly impossible' to look into the habitable ground floor room from the proposed terrace to be compelling or clearly supported by the evidence. A degree of harmful overlooking of this room would be likely.
27. There are centrally positioned, Velux balcony windows in the rear roof slope of No 9 that allow for the overlooking (and the perception of overlooking) of the garden at the appeal property. However, these are of a significantly smaller scale than the glazed/terraced areas at second floor level on the proposed dwelling. The proposal would, therefore, increase the opportunity for the overlooking of the rear garden of No 9, and the perception of being overlooked there, compared to the reciprocal opportunities/perceptions.
28. On balance, I find that the scale and position of the proposed rear fenestration at first and second floor levels, and the position of the proposed second floor terrace would lead to a harmful increase in overlooking of the next door properties. This would not be adequately offset by reciprocal overlooking.

29. For these reasons, the proposal would adversely affect the living conditions of nearby occupiers, with particular regard to privacy. Consequently, it would conflict with Policy D3 of the London Plan 2021, with Policy CS1B of the HCS, with Policy DM1 of the DMP, and with the Framework, in this regard.

Living conditions of nearby occupiers – natural light and outlook

30. The Council is concerned that a habitable ground floor window in the side elevation of 15 High View would suffer reduced outlook and natural light as a result of the proposal. It is not disputed that the proposed dwelling, located next to the boundary with No 15, would reduce the natural light to this easterly-facing room.
31. Furthermore, whilst the appellant has provided some evidence that, following the proposed development, the room would still accord with the BRE 45 degree code and so achieve an acceptable level of natural light, no details of the scale of daylight reduction are provided.
32. The outlook from this habitable room is currently constrained by the existing boundary treatment and dwelling at No 11, and the scale and position of the proposed dwelling would reduce this somewhat. However, whilst the proposal would reduce natural light to, and outlook from, a habitable room at No 15, I do not consider that such reductions would cause significant harm in this case.
33. For these reasons, the proposed development would have an acceptable effect on the living conditions of the occupiers of 15 High View, with particular regard to natural light and outlook. It would, therefore, accord with Policy D3 of the London Plan 2021, with Policy CS1B of the HCS, with Policy DM1 of the DMP, and with the Framework, in this regard.

Other Matters

34. I note the comments of the appellant regarding what they consider to be the benefits of the proposal, including the stated environmental benefits. Whilst there would be some benefits, I do not consider these would outweigh the harm that I have identified, as set out above.

Conclusion

35. Whilst the proposal would have an acceptable effect on the living conditions of the occupiers of 15 High View with regard to outlook and natural light, the harm caused to the character and appearance of the area and to the living conditions of nearby occupiers with regard to privacy would outweigh this.
36. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR