



Appeal Decision

Site visit made on 14 June 2023

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/M5450/D/23/3321687

92 College Hill Road, Harrow Weald, Harrow HA3 7DA

- 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 Cafer Celebi Sadeeq Mohammed against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/4524/22, dated 13 December 2022, was refused by notice dated 12 April 2023.
 - The development proposed is raised patio at the back of the house more than 30 cm high.
-

Decision

1. The appeal is allowed and planning permission is granted for raised patio at rear with external steps and balustrade at 92 College Hill Road, Harrow Weald, Harrow HA3 7DA in accordance with the terms of the application Ref: P/4524/22, dated 13 December 2022 and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: CELEBI-01-PL10, CELEBI-01-PL01A, CELEBI-01-PL02A, CELEBI-01-PL03A, CELEBI-01-PL04A, CELEBI-01-PL05A, CELEBI-01-PL06A, CELEBI-01-PL07A, CELEBI-01-PL08A, CELEBI-01-PL09A, CELEBI-01-PL10A, CELEBI-01-PL12A.

Main Issues

2. The main issues in this appeal are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of Nos.90 and 94 College Hill Road in respect of privacy and outlook.

Preliminary Matter

3. The development was completed prior to the application to the Council. I have determined this appeal based upon the Council's description of development as "raised patio at rear with external steps and balustrade" as I consider that it is a more accurate specification for the development.

Reasons

Character and appearance

4. No.92 College Hill Road is a two storey semi-detached dwelling house with a single storey rear extension and is located in a residential area. The dwellings

in College Hill Road step down the hillside, resulting in the dwelling at No.90 being founded at a lower level than No.92. Dwellings in this part of College Hill Road are of a similar age and design.

5. However, to the north of the appeal site, beyond the rear garden of No.94, dwellings have various forms of development to the rear. To the south of the appeal site there is a small development of dwellings of a different age, style and orientation. The boundary treatment varies, including different types of timber fencing and hedging. Overall there is no consistency in the appearance of the rear gardens of the immediately surrounding properties.
6. The raised patio which has been created at the appeal site extends for around 5.46 m from the front elevation of the rear extension. It has a short flight of steps which provide access to the rear garden. The patio and balustrade is not seen from College Hill Road. It is of a contemporary design, it complements the rear extension and does not appear intrusive or overbearing.
7. I find that the development has no significant harmful effect on the character or appearance of the area. It therefore does not conflict with policy D3.D(11) of the London Plan, Harrow Core Strategy policy CS1(B) and Harrow Development Management Policies Local Plan policy DM1 which, amongst other things, seek to ensure a high standard of design and layout and response to the local context.

Effect on living conditions

8. No.90 has a rear conservatory and a small patio area with steps to the rear garden. The boundary fence with the appeal site and a conifer tree restrict overlooking of the patio area at No.90 from the patio area at the appeal site. No.94 has a rear patio which has a similar level to that at the appeal site. Rear windows in the dwellings already allow views over neighbouring gardens.
9. The boundary fencing does not appear excessive and limits views into the gardens of the neighbouring gardens at each side of the appeal site without any significant harm for the outlook of neighbours.
10. I find that the appeal development has no significant increased harmful effect the on the living conditions of the occupiers of Nos.90 and 94 College Hill Road respect of privacy and outlook. The development therefore does not conflict with policy D3.D(7) of the London Plan and policy DM1 of the Harrow Development Management Policies Local Plan, both of which seek to protect residential amenity.

Other Matters

11. Whether the fence at No.90 has been used as a barrier for the raised patio and any concreting over of manhole covers would be matters for resolution by the parties concerned and not for my consideration as part of this appeal.

Conditions

12. A condition is imposed to specify the approved plans.

Conclusion

13. I have taken all other matters raised into account, including the Council's Supplementary Planning Document: Residential Design Guide and the National Planning Policy Framework. However, for the reasons given above the appeal is allowed.

Martin H Seddon

INSPECTOR