



Appeal Decision

Site visit made on 16 May 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal Ref: APP/M5450/D/23/3317461

97 Moss Lane Pinner HA5 3AT

- 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 S Parker against the decision of Harrow Council.
 - The application Ref: P/3118/22 dated 31 August 2022 was refused by notice dated 22 December 2022.
 - The development proposed is erection of single storey rear extension; demolition of existing extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension; demolition of existing extension at 97 Moss Lane PINNER HA5 3AT in accordance with the terms of the application Ref: P/2118/22 dated 31 August 2022 and the plans submitted with it, subject to the schedule of conditions attached.

Preliminary Matter

2. Subsequent to the site visit my attention has been drawn to a previously submitted appeal for a one and two-storey rear extension at this property¹. My decision is consistent with the approach taken in that matter.

Main Issue

3. The main issues are the effect of the proposal upon (i) the character and appearance of the area and (ii) upon the amenity of neighbouring users.

Reasons

4. 97 Moss Lane is a two-storey detached house within a small group of early twentieth century houses at the southern end of the Moss Lane Conservation Area (MLCA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework (2021) (the Framework) states that in the consideration of development proposals great weight should be given to the conservation of heritage assets in accordance with the significance of the asset.
5. The Conservation Area Appraisal and Management Strategy (2009) for the Moss Lane Conservation Area (the CAA) identifies the special interest of the area as being its well designed and mostly unaltered residential architecture and

¹ Ref APP/M5450/D/23/3316002 dated 19 May 2023

spacious garden settings, the subject property being an example of 'Metroland' development. It also refers to the pressures on the character and appearance of the area arising from all forms of new development². Policy CS1 of the Harrow Core Strategy (2012) (Core Strategy) requires (at sections C & D) that development should respond positively to its historic context.

6. The proposal would replace an existing ground floor extension to the kitchen which occupies part of the rear elevation with a full-width deeper, single storey, extension which would envelop an existing rear bay window which currently opens onto a paved area but would become an internal feature of the proposed extension. This would remove a feature of the property which supports its distinctive character and detailing. However, the proposal would be located within an established plot with good screening and out of view from the public realm.
7. The appeal site is well screened at the rear from its adjoining neighbour 99 Moss Lane (No.99) but is more open on its northern side along its boundary with 95 Moss Lane (No.95). The proposed ground floor extension would, I consider, not increase the potential for overlooking or cause any further loss of privacy from what currently exists due to the spacious setting and orientation of windows proposed.
8. The relevant policies in this case include D3.D(1) and (11) and HC1.C of the London Plan (2012) together with the Council's Supplementary Planning Document 'Residential Design Guide' (2010) (the SPD) which guides proposals as to the impact of extensions on neighbouring properties in terms of privacy and other impacts, stating that an extension should not dominate the original building and should be of an appropriate scale and in proportion with it. It also states that proposals relating to a conservation area should be sensitive to both the building and the surrounding area. Noting the comments of the Council's Conservation Officer, the proposal would have little impact, if any, as to the contribution of the host dwelling to the character and appearance of the Conservation Area due to its well screened location at the rear of the host dwelling.
9. Although the proposal would change the character and appearance of No.97, this would be to a limited degree and not affect the unity of the group of dwellings identified in the MLCA appraisal³. The rear location and single-storey nature of what is proposed direct that the effect on the character and appearance of the MLCA as set out in the CAA is either absent or nominal, such that I conclude that the proposal would not fail to preserve the character and appearance of the MLCA.
10. I have referred to a recent appeal decision which has granted permission for a similar rear extension at the appeal site but surmounted by an upper floor extension which is not part of the matter before me. The proposed ground floor rear extension would be apparent to users of No.95 (the northern neighbour of No.97) but my observations are that due to the size of the plots and extent of screening (notwithstanding that this is only partly present on the boundary with No.95) that the additional built form would not be intrusive nor would there be

² in which respect extensions are preferred at the rear of properties in preference to side extensions to minimise impact on the street scene

³ 97-103 (odd) Moss Lane

additional opportunities for overlooking of neighbouring gardens than those which currently exist.

11. Overall whilst the proposal would change the character of the host dwelling, I have concluded no harm would arise to the character and appearance of the MLCA and I have also concluded there would be no impact from the ground floor use of the extension upon neighbouring users. I consider the proposal to be a well-considered design solution that accords with Policies D3.D(1) and (11) of the Harrow Core Strategy 2011 (HCS) and HC1.C of the London Plan and which seek to ensure development proposals complement local distinctiveness. On that basis I conclude the proposal would accord with the development plan taken as a whole and, having considered all matters raised and for the reasons given, that the appeal succeeds subject to the usual plans and timing conditions. I have also considered what other conditions are necessary and relevant, given the basis of my reasoning. Conditions to control materials and to ensure there would be no inappropriate use of the proposed flat roof, or the introduction of additional fenestration are appropriate and necessary to protect the amenity of neighbouring users and to accord with the duty set out in section 72 of the Listed Buildings Act.

Andrew Boughton

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: P22-71.2, P22-71.3, P22-71.4.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building. All new brickwork, including the brick bond, roof tiles, external works and finishes shall match the existing adjacent work with regard to the methods used and material, colour, size, texture and profile.
- 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows or doors, other than those shown on the approved plans shall be installed in the flank elevations of the development hereby permitted without the prior permission in writing of the local planning authority.