



Appeal Decision

Site visit made on 13 June 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2023

Appeal Ref: APP/M5450/W/22/3311455

Garages rear of 24 St. Pauls Avenue, Harrow, London HA3 9PS

- 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 Vekaria of Nectar Property Investments against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1608/22, dated 4 May 2022, was refused by notice dated 27 September 2022.
 - The development proposed is described as 'the demolition of 6 No. existing garages and the construction of 2 No. semi-detached dwellinghouses. The proposed dwellings are both two-storey family units with accommodation in the roof space, associated off street parking and private amenity space'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of 6 No. existing garages and the construction of 2 No. semi-detached dwellinghouses at Garages rear of 24 St. Pauls Avenue, Harrow, London HA3 9PS in accordance with the terms of the application, Ref P/1608/22, dated 4 May 2022, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, in my decision I have removed the additional descriptive elements as the first sentence best reflects the development for which planning permission is sought and the removal of the additional sentence does not change anything fundamental.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site consists of a block of six garages and a parcel of land between the garages and the tall wooden fence which sits on the back of the pavement along Ruskin Gardens. The site lies between the rear garden of 24 St Pauls Avenue and the side of 2 Ruskin Gardens (No.2), with a narrow strip of land between the site and No.2.
5. The immediate area is residential, with semi-detached and short terraces of houses, predominately with hipped roofs but interspersed with some pitched, gable end, roofs. The height and slope of the roof planes are generally consistent, the use of red tile on the roof and white rendered walls, along with

- the two-storey front bay windows with gable roofs, provide a relatively consistent appearance to the street scene of both St Pauls Avenue and Ruskin Gardens and results in a pleasant character and appearance.
6. The proposed development would consist of a pair of 3-bedroom semi-detached houses with pitched roofs. The houses would be handed in appearance, with gable roof two-storey bay windows, front porches and a rear dormer in the roof slope of each.
 7. Although I acknowledge that the houses in the immediate area were designed and built originally with hipped roofs, and many retain the hipped roof design, several have been altered to gable end roofs. Whether this has been done through permitted development rights or through a planning application is not evidenced. However, the result is that the roof plane of the streets in the immediate area, although relatively consistent in height and angle, is not consistently clear, un-broken, hipped roof forms.
 8. The other pitched roofs in the immediate area have not disrupted the overall character and appearance of the street scene or the area. The hipped roof form is not a unique local feature or special characteristic which has been retained without alteration. The pitched roofs now contribute positively to the character of the immediate area.
 9. Given the other pitched roofs in the area the addition of the proposed pair of semi-detached houses with gable end, pitched roofs, would not be out of keeping with the character and street scene.
 10. Moreover, the evidence before me, indicates that the height of the scheme would be approximately the same as the adjacent property, No.2, and would therefore not be out of keeping with the general height of the roofs and would not appear bulky or discordant.
 11. Overall, the height and proposed gable roofs is informed by the pattern of development and roof form in the immediate area, which includes gable roofs, and would respond positively to, and enhance, the local context and character.
 12. The proposal would also provide two dormers, to enable the loft space to be used as living accommodation. The design and scale of the dormer is subservient to the scale of each of the dwellings and would not occupy a significant proportion of the roof. The design relates well to the design of the first-floor windows and overall, the dormers would not appear incongruous.
 13. For the above reasons I find that the proposed development would not harm the character and appearance of the surrounding area and, therefore, there is no conflict with Policy DM1 of the Harrow Council Development Management Policies, 2023 (DMP) which seeks to ensure that all development achieves a high standard of design and takes into account the context provided by neighbouring buildings and the local character and pattern of development, having regard to, amongst other matters, massing, bulk, scale, height and the appearance of the building, including its roof form.
 14. The proposal would also comply with Policy D3, specifically subsections D 1) D 11), of The London Plan – the spatial development strategy for Greater London, 2021 (LonP) which promotes the design-led approach, responding to a site's context, existing character and local distinctiveness through, amongst other

matters, scale, appearance and shape and through architectural features that contribute towards the local character.

15. Although there would be minor conflict with the advice set out in the Harrow Council Local Development Framework Supplementary Planning Document – Residential Design Guide, 2010 (SPD), in that the proposed gable end roof form would not reflect the positive characteristic of the area provided by the existing hipped roofs, taking into account the presence of other pitched roofs I have found that there would not be conflict with the overall aims of the SPD to improve the design of new development.
16. Furthermore, the proposed development would accord with the general aims for good design and high-quality places as set out in paragraphs 126 and 130 of the National Planning Policy Framework (the Framework).

Other Matters

17. My attention has been drawn to a previous appeal decision¹ on the site which allowed a similar development. The main changes between the previous appeal and the current proposal are the shape of the roof, the addition of dormers on the rear elevation and rooflights on the front elevation and a slight increase in height. The number of bedrooms, and therefore the occupancy level of the dwellings is also changed. However, I have considered the appeal before me on its own merits and against the development plan.
18. The Council assert that the Inspector, in removing permitted development rights for roof alterations, sought to resist hip to gable conversion. However, the reason given for removing permitted development rights to alter the roof of the properties was the proximity to neighbouring shared boundaries, and to ensure that the living conditions of future residents of the development and existing neighbouring residents would be satisfactory. The justification for removing permitted development rights was not one of character and appearance. The condition, therefore, does not alter my decision on the main issue.
19. The Council, within the officer report, raised concerns that the application did not show a safe means of escape in terms of flood risk and in regard to fire safety. However, the site itself is not within a flood zone and future occupants of the dwellings would not be at risk of flooding within their home, it is the road outside the site which is at risk of flooding. The Framework advises when a Flood Risk Assessment (FRA) is required, and the proposal would not have required an FRA.
20. I am also mindful of the previous appeal decision, which remains extant as a fallback position. As with the previous appeal decision, subject to appropriate conditions to secure the drainage, the development before me would not increase the risk of flooding and therefore would not require flood risk mitigation. The proposal therefore complies with subsection B of Policy DM9 of the DMP.
21. With regard to safe means of escape for fire safety the current proposal is materially different to the previous appeal in that it includes habitable rooms within the roof space. As such a safe means of escape should be provided to comply with the requirements of D12 of the LonP. The appellant has drawn my

¹ APP/M5450/W/20/3263725

attention to other appeal decisions in Harrow where an appropriately worded condition has been used to secure the details of means of escape and I have no substantive evidence that this could not be secured by condition in this case.

22. Local representations have expressed a wide range of concerns including issues regarding living conditions, specifically loss of light. However, I note that this matter was considered by the Council at the application stage and did not form part of the reasons for refusal. Moreover, taking into consideration the previous appeal decision and the changes included in the current scheme, the appeal before me would not result in significant harm to the living conditions of the occupiers of neighbouring properties.
23. In addition to those matters considered above, local representations have expressed concerns regarding works in relation to demolition and construction, and the potential for associated ground and noise pollution. As with living conditions, these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal.
24. Whilst I can understand the concerns of the local representations, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own merits and concluded that it would not cause harm for the reasons set out above.
25. The Council, within the officer report, have also referred to Policies D6, D11, D12, SI13, T5 and T6 of the LonP, Policies CS1 and CS1U from the CS, Policies DM2, DM9, DM10, DM12, DM23, DM24, DM27, DM42 and DM45 of the DMPLP, the Technical Housing Standards – national described space standard, 2015, The Mayor of London – Housing Supplementary Planning Guidance, 2016 and the Harrow Local Plan Supplementary Planning Document – Garden Land Development, which have mostly been provided with the appeal evidence. However, these policies are not cited in the reasons for refusal. I have considered the policies as far as they are relevant to the main issues, but none have altered my conclusion.

Conditions

26. Neither main party have suggested any conditions, however I am aware of the previous appeal decision, which included conditions. I have therefore taken the conditions from the previous appeal decision and revised these where necessary to reflect the current proposal, to ensure clarity, and in light of the Planning Practice Guidance.
27. In addition to conditions relating to the time limit for implementation and the approved plans, which are required for certainty, I have included a condition for external materials as it is reasonable and necessary in the interest of the character and appearance of the area.
28. With regard to surface water flooding, a condition in relation to surface water runoff is necessary to ensure that the proposed development would not increase flood risk and is provided with a safe evacuation route. It is also necessary to include a condition requiring the details of a safe means of escape for fire safety purposes, given that the current proposal includes rooms in the roof space.

29. I have continued to include conditions restricting permitted development rights for roof alterations and additional windows/ doors, as these are reasonable and necessary due to the proximity to neighbouring shared boundaries, and to ensure that the living conditions of future residents of the development and existing neighbouring residents would be satisfactory.
30. It is also reasonable and necessary to ensure that a secure cycle store is provided on site, to give residents a genuine alternative sustainable method of transport.
31. Although requested by Council consultee responses I have not included a condition for landscaping or a condition requiring a construction management plan as it would not be reasonable or necessary given the scale of the development proposed. Additionally, I have not included a condition for a plan to be submitted to show proposed finished floor levels, as in the absence of any evidence to the contrary, the site and surrounding area do not display any significant changes in topography to require details above and beyond what has already been submitted.

Conclusion

32. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be allowed, and planning permission should be granted subject to the conditions set out below.

K Townsend

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: 1639.P.01, 1639.P2.02 and 1639.P02.03
- 3) Notwithstanding the details shown on the approved plans, construction above slab level of the proposed development shall not proceed until full details/ samples of the materials to be used in the following elements of construction of the scheme hereby permitted have been submitted to and approved in writing by the local planning authority:
- a: facing materials for the building, including down pipes
 - b: windows / doors
 - c: boundary treatment
 - d: hard landscape materials
- The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the approved drawings, no building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The details shall include works for the

disposal of surface water and its attenuation/ storage, permeable paving, means of a safe evacuation route and the long-term maintenance and management of the on-site drainage. The approved details shall be maintained and retained for the life of the development.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A and B in Part 1 of Schedule 2 to that Order shall be carried out in relation to the houses hereby permitted.

6) Notwithstanding the approved drawings, no building hereby permitted shall be occupied until secure and weather-protected residents bicycle parking spaces shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The on-site cycle parking spaces so provided shall thereafter be retained and made available for the use of future occupiers of the development and shall not be used for any purpose other than parking of bicycles in connection with the approved development.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no window(s)/ door(s) or any other opening, other than those shown on the approved plans, shall be installed in the flank and/ or rear wall(s) of the proposed development hereby permitted.

8) No building hereby permitted shall be occupied, until the first floor en-suite and bathroom windows and the second-floor dormer window serving the bedroom, as shown on the submitted plan, have been fitted with obscured glazing in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. No part of the window, that is less than 1.7 metres above the floor of the room in which it is installed, shall not be obscure glazed and be capable of being opened. Once installed the obscure glazing shall be maintained and retained for the life of the development.

9) No building hereby permitted shall be occupied until a safe and convenient means of escape in the case of a fire has been provided, in accordance with details of a Fire Safety Statement that shall first have been submitted to and approved in writing by the local planning authority. The approved details shall be maintained and retained for the life of the development.

End of Schedule