



Appeal Decision

Site visit made on 29 August 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/M5450/W/23/3316920

101-103 Headstone Road, Harrow HA1 1PG

- 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 J Duffy, G&D Plant Hire, against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3108/22, dated 29 August 2022, was refused by notice dated 14 December 2022.
 - The development proposed is change of use of ground floor commercial space (sui generis to Class E), extension and remodelling of two no. existing first floor flats with rear dormer extensions and new entrance, cycle and refuse storage provision.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of ground floor commercial space (sui generis to Class E), extension and remodelling of two no. existing first floor flats with rear dormer extensions and new entrance, cycle and refuse storage provision at 101-103 Headstone Road, Harrow HA1 1PG in accordance with the terms of the application, Ref P/3108/22, dated 29 August 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form, it is stated that the description of development has not changed, but a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development was agreed. I have therefore used the one given on the original application, minus the phrase "part retrospective", as this is not a description of development.
3. At my site visit I saw that the dormer windows had been constructed, the roof of the two storey rear outriggers had been raised, new windows had been inserted into the side and rear elevations and internal works on the ground floor had commenced. These works are shown on the drawings labelled as existing. I understand that additional works are also proposed to complete the development and are shown on the drawings labelled proposed. I have therefore based my decision on those elements of the development shown on the existing plans that I saw had been completed and those remaining to be so.
4. The Council's reason for refusal is only concerned with one element, namely the dormer windows. I have no reason to revisit the remaining elements of the proposal that the Council has considered appropriate.

Main Issue

5. The main issue is the effect of the proposal with particular regard to the dormer windows on the character and appearance of the host building and the surrounding area.

Reasons

6. The appeal site comprises a building with two front bay windows with gable end roof projections and two adjoined two storey rear outriggers. On the ground floor, there is a commercial frontage spread across the width of the building and separate residential accommodation above. The building is located at the end of a terrace which consists of properties which are of a similar design, with commercial uses on the ground floor and residential on the upper floors. An access drive runs along the side of the site to the rear where there is a large building. The presence of this building and the size of the rear outriggers create a relatively densely packed setting.
7. The dormer windows occupy a substantial proportion of the roof, leaving none of the original roof visible. I appreciate that the dormer windows are not set in from the gable end or from the eaves and are therefore not 'visually contained' which means that they do not technically accord with the Residential Design Guide Supplementary Planning Document (the SPD) (2010). However, notwithstanding the assessment of the Council, the SPD should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site.
8. The Council point out that there is no overriding character of overly large wide dormers in the area, like at the appeal site. However, the appellant has drawn my attention to other 'box-like' dormer windows and raised gable developments that are within the local area. When visiting the appeal site, I saw that there were some examples of dormer windows present on the upper floors of nearby mixed-use properties and a dormer window present on the roof of a nearby house. Glimpses of these dormer windows could be seen from the public realm, similar to the appeal proposal. I also saw other rear dormer windows were visible on the surrounding streets to the appeal site. Whilst I accept not every property has extended in such a way, these examples are interspersed throughout the local area and although I cannot be certain of their planning status, dormer window additions of varying sizes and designs are part and parcel of the character of the area. Although those at the appeal site are large, in this context they are not out of keeping with the character of the area.
9. There are some views of the side of the dormer as it extends from the original gable end when approaching the site. However, the main extent and bulk of the dormer windows are not visible from the front street scene. The dormer windows are visible from properties within the terrace and whilst they are larger in scale and massing than the other existing dormer windows, they do not appear as incongruous. I accept the dormer windows are viewed in conjunction with the existing rear outrigger, however, they are seen as an extension to the main roof and are distinctively separate from the main body of the outrigger, albeit that they tie into the roof where there would have been valleys. It therefore keeps the status of the outrigger as a key architectural feature of the site and resultantly the dormer windows do not adversely impact any intrinsic characteristics of the building.

10. I therefore conclude that the dormer windows do not cause harm to the character and appearance of the host building and the surrounding area. The proposal would therefore not conflict with Policy D3 of the London Plan (2021), Policy CS1.B of the Core Strategy (2012) and Policy DM1 of the Development Management Policies (2013). When taken together, these policies set out the design principles for the area seeking to ensure that development responds to the existing character of a place, achieves a high standard of design in relation to massing, bulk and scale and extensions respect their host building.

Conditions

11. The Council has supplied a list of conditions that it considers would be appropriate if I were to allow the appeal. I have considered these in light of the Planning Practice Guidance (PPG) and made amendments and minor corrections where necessary to ensure clarity and compliance with the tests as set out in the National Planning Policy Framework (the Framework).
12. As the development has already commenced, a condition relating to the time limit for implementation is not necessary. I have specified the approved plans in the formal decision to provide clarity and precision with respect to what has been granted planning permission. It is necessary to impose a condition for the external materials that the development is finished in to be as those specified on the approved plans to protect the character and appearance of the area.
13. I have also imposed the Council's suggested condition for cycle storage to be provided to encourage sustainable modes of transport.
14. The condition suggested by the Council to exclude uses within Use Class E(d) and E(f) of the Town and Country Planning (Use Classes) Order 1987 (as amended), has not been included. This is because Paragraph 54 of the Framework clearly states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. However, the Council have provided no justification and I have no substantive basis to consider that such restrictions would be necessary in this case in the context of the site and its surroundings.
15. Whilst not referenced in the Council's suggested conditions, comments are made in the officer's report that the new windows and doors within the side and rear elevation could be conditioned to be obscurely glazed/non-opening if necessary. Imposing a condition to require the new windows in these elevations to be obscurely glazed and non-opening would not be necessary, given that the building previously had windows in these elevations and any overlooking would have formed part of the existing relationship between the appeal building and the neighbouring properties.
16. I have not included the Council's suggested condition to restrict additional windows and doors from being installed in the side elevation. As the property is in mixed-use, it would not benefit from any permitted development rights to install new windows without planning permission. As such, this condition is not necessary.
17. In the officer's report, the Council comment that the location of the bin store is acceptable, but that, the number of bins for the two flats is unacceptable and a condition for further bins could have been imposed. The Council have suggested a condition to require details of the commercial waste storage and

handling, and details of the bin storage for the residential uses including a minimum of two bin provision for each unit to be submitted. Neither main party has provided any technical evidence to demonstrate the required level of provision for the proposal. As the residential units would be extended with increased occupancy, and the commercial use would be changed, it is likely additional waste would be created. As such, I consider this condition to be necessary given the proposed development and have therefore imposed the condition with revised wording. The suggested condition also refers to details of the external elevations and external finish of the bin store. To condition these details would be unnecessary given that the submitted plans include the materials details of the bin store and it would also be screened from public views. I have therefore not included these details in the condition.

Conclusion

18. The proposal complies with the development plan, read as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

L Reid

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 200 – Plans – as Proposed, 201 – Elevations ‘as proposed’.
2. The development hereby permitted shall be carried out in accordance with the materials shown on approved plan 201 – Elevations ‘as proposed’.
3. Prior to the first occupation of the commercial unit, cycle storage shall be installed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The facilities shall then be retained throughout the lifetime of the development.
4. Prior to the first occupation of the extended dwellings hereby approved, details of bin storage for both properties, including a minimum 2-bin system for each dwelling and details of commercial waste storage and handling, shall be first submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented as approved and retained throughout the lifetime of the development.