

Appeal Decision

Site visit made on 13 October 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st October 2023

Appeal Ref: APP/M5450/D/23/3325191

52 Bacon Lane, Edgware, HA8 5AP

- 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 Nasser Marand against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0850/23, dated 21 March 2023, was refused by notice dated 16 May 2023.
 - The development proposed is to add additional storey; extend to front, rear and side; alter elevations and roof form, and all associated works.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development on the character and appearance of the host property and its surroundings, and whether the proposal would constitute an overdevelopment of the site.

Reasons

3. The appeal property is a bungalow set in a street comprised in the main of semi-detached properties exuding distinct suburban characteristics. The bungalow stands close to where Bacon Lane and Camrose Avenue converge at an acute angle, and its plot therefore takes on a triangular shape, whose apex has been curtailed by a sub-station. The bungalow's western wing virtually adjoins the boundary of the rear gardens of a property in Camrose Avenue.
4. The proposal involves the introduction of a two storey element at the eastern end of the bungalow. This element's rear wall would extend northwards of the bungalow's extant rear wall towards the rear boundaries of the dwellings in Camrose Avenue. The bungalow's front elevation would be remodelled with changes in fenestration and by introducing other architectural features such as a bay window at the western end.
5. The two-storey element when viewed from the street has been designed so as to harmonise as far as is reasonably practicable with the other two storey dwellings on this frontage. The remaining single storey element would be perceived as an elongated side extension but, on balance, I would not regard this as sufficient reason, in itself, to withhold permission.

6. As to the Council's concerns on amenity space, some of that currently available to the rear of the site would be lost, but a small area would remain. However, amenity space would be available to the west of the bungalow and to the front, particularly if some outbuildings and other clutter were removed. On balance, I consider that sufficient external space would remain to serve the reasonable needs of future residents.
7. Thus, I do not share the Council's view that the development would comprise an overdevelopment by reason of a reduced level of external amenity space. However, in my experience, overdevelopment can occur for other reasons. I note in particular the comments made by residents in Camrose Avenue backing onto the site, not all of which appear to have been addressed in the Council's officer report.
8. As mentioned above, the rear of the two storey element would be sited very close to the rear boundaries of Nos 65 & 67 Camrose Avenue. The extension's rear wall would line up with the rear building line of 50 Bacon Lane, but No 50's rear wall is sited that much further away from its rear garden boundary than would be the case with the appeal proposal.
9. I share the Council's view that the design, with regard to fenestration, should ensure that no unacceptable overlooking of the Camrose Avenue properties would occur. However, to my mind, the two storey element, in view of its closeness to the rear boundary would be justifiably perceived by the closest of Camrose Avenue's residents as dominating and overbearing when viewed from their gardens. Additionally, and taking account of its position south of Camrose Gardens, the two storey element would cause harmful overshadowing of some of the gardens to the north at different times of the day and year. These aspects, to me, represent clear symptoms of overdevelopment of the site as a result of the intention to build a two storey proposal so close to the site's boundaries.
10. I therefore conclude that the proposal's appearance, when viewed from the street, and the level of proposed amenity areas would be acceptable. However, the proposal would harm the character of its surroundings by the introduction of an overbearing structure so close to the site's boundaries, which to my mind represents a clear overdevelopment. I further find, for the reasons provided above, that harm would be caused by reason of overshadowing as a result of the overdevelopment of the site.
11. A clear conflict therefore arises with those provisions of policy D3 of The London Plan, policy CS1 B of the Harrow Core Strategy and policy DM1 of the Harrow Development Management Local Plan Policies, which, in combination, require new development to be respectful of local character, and for house extensions to respect neighbouring amenity.

Other matters

12. I have considered the references to other development plan policies and the references to the Framework¹, but the development plan policies I have referred to are considered to be the most relevant to this case.

¹ The National Planning Policy Framework

13. I share the appellant's view that the scheme would bring some benefits, such as upgrading a dwelling appearing to be in need of attention, and providing additional, enlarged family sized accommodation, thus enhancing the range of house types in a sustainable location. However, these benefits do not outweigh the disadvantages of the scheme.
14. I have also noted the appellant's references to other two storey development on small plots in the area, but since I am not aware of the full circumstances of the evolution of the examples referred to, I have dealt with this appeal on its merits having regard to the provisions of the development plan and other material considerations.
15. I have taken account of all other matters raised in the representations, including the appellant's reference to the outcome of the pre-application consultation, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.
16. Accordingly, although I have found for the appellant in some respects, the issue of overdevelopment inherent in the scheme and its subsequent impacts on local character and neighbouring residential amenity are sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR