The Planning Inspectorate

Appeal Decision

Site visit made on 7 November 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/M5450/D/23/3320455
63 Southfield Park, Harrow HA2 6HF

- 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 & Mrs T Khaku against the decision of the Council of the London Borough of Harrow.
- The application Ref P/4399/22, dated 30 December 2022, was refused by notice dated 23 February 2023.
- The development proposed is first floor rear bedroom extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

3. Planning permission has recently been granted at the appeal site for extensions and alterations to the dwelling[1]. The plans submitted with this appeal include details of the approved scheme, although it was apparent that the approved scheme had not been implemented at the time of my site visit. For the avoidance of doubt, this appeal relates only to a proposed first floor extension at the rear of the property, and I have determined the appeal on this basis.

4. The Appellant has submitted an amended plan with the appeal which shows revised proposed west (side) and south (rear) elevations. This change relates to a substance of concern expressed by the Council. Procedural guidance[2] states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. I have had regard to the Wheatcroft Principles[3] and conclude that it would not be fair or reasonable to determine the appeal against the amended plan, as to do so would prejudice interested parties. I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision and on which parties were consulted.

[1] LPA Ref:P/4439/21
[2] Procedural Guide to Planning Appeals - England (2016)
[3] Wheatcroft (Bernard) Ltd v Secretary of State for the Environment [1982] JPL 37

Main Issues

5. The main issues are the effect of the proposal on:

   - The character and appearance of the host building and the area; and
   - The living conditions of the occupiers of Nos. 61 and 65 Southfield Park, with particular regard to outlook.

Reasons

Character and appearance

6. The appeal property is an extended two-storey detached dwelling located within a residential area on a gently sloping street. The first-floor rear elevation and roof slope of the dwelling, and neighbouring properties are clearly visible from Station Road close to its junction with Southfield Park.

7. The surrounding area is characterised by predominantly two storey semi-detached and occasional detached dwellings with rear gardens and set back from the road behind short driveways or gardens. Whilst the appearance of dwellings varies, there is a general consistency of height and proportions to dwellings in the area.

8. The proposed extension would extend above the existing flat roof ground floor extension at the rear of the appeal property. It would have a hipped roof that, at its highest point, would reach the bottom of the rear dormer of the approved scheme. The first-floor plan indicates that the proposed extension would be set in from the side elevations of the property. However, the proposed attic, rear and side elevation plans indicate that the rear roof slope would extend either side of the proposed extension to meet its rearward projection. This would result in differing first floor eaves heights and no step-in from the main side elevations of the property.

9. Whilst I have not been provided with a copy in respect of this appeal, I am aware from the submissions and from determining other appeals in the area, that the Harrow Supplementary Planning Document: Residential Design Guide December 2010 (SPD) advises that extensions should harmonise with the scale and architectural style of the original building, and the character of the area.

10. The proposal would be modest in scale. However, it would project rearward at first floor with a built form that would present as an awkwardly designed and conspicuous enlargement. Given the resultant combination of various eaves heights and roof forms that would be noticeable on this elevation, the proposal would be an incongruous form of development.

11. Furthermore, due to the substantial gap along Station Road from No. 1b Station Road to the rear elevation of properties along Southfield Park, the proposed development would be clearly visible. From here, with or without the approved rear dormer, the inharmonious form of the proposal would be exacerbated by its projection forward of the general first floor building line of the rear of other properties along this part of Southfield Park. As a result, it would be visibly at odds with, and diminish the prevailing character of the property and the area.

12. For the above reasons, I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the host

building and the area. As such it would conflict with Policies D3 (D(1) and D(11)) of The London Plan, March 2021 (LP); Policy CS1.B of the Harrow Core Strategy, February 2012 (HCS) and Policy DM1 of the Harrow Development Management Policies, July 2013 (HDMP). Together, these policies, amongst other things, seek development that respects the host building, achieves a high standard of design and that responds positively to local character. It would also not accord with guidance contained within the SPD or the objectives of the National Planning Policy Framework (the Framework) which seek similar aims.

Living conditions

13. The adjacent property at No.61 Southfield Park (No.61) is a detached two storey dwelling. At my site visit, I observed that the existing first floor rear elevation of No.63 projects slightly beyond the first-floor rear elevation of No.61 and I note inconsistencies with the submitted plans in this regard, which indicate the two properties are in line at rear first floor level. Notwithstanding this inconsistency, the proposed extension would project even further beyond the rear first floor of No.61.

14. The Council's SPD indicates that a 45-degree code should be applied for proposed extension to avoid an overbearing impact on neighbouring residents. However, the SPD also states that the code should not simply be applied on a mechanical basis but as part of an assessment of several site considerations.

15. While the proposal would contravene the 45-degree splay when account is taken of the continuing roof slope at the rear, the closest rear facing window of No.61 to the proposal is set in from the corner of the building and the height of the proposed catslide roof would be relatively low. The combination of the gap between the two dwellings and the distance between the closest rear facing window at No.61 and the proposed extension, would mean that the proposal would not present a significantly overbearing or poor outlook for occupiers of No.61.

16. Furthermore, the rear elevation of No.61 faces south-east and there are long rear gardens to the rear which provide considerable outlook for occupiers of the property.

17. No.65 Southfield Park (No.65) is a two-storey semi-detached dwelling adjoining the appeal property. It has a two-storey side extension close to the common boundary with No.63 and includes a first-floor rear facing window. However, the proposed extension would not project significantly beyond the existing rear first floor of No.65 and a gap would be maintained between the two dwellings. For the same reasons as above, while the proposed catslide roof would marginally contravene the 45-degree splay, the closest rear facing first floor window at No.65 is set in from the corner of the dwelling and the height of the proposed catslide roof would be relatively low. Accordingly, the proposal would not harm the outlook for occupiers of No.65.

18. For the reasons given above, I conclude that the proposal would not have an unacceptably harmful effect on the living conditions of the occupiers of Nos. 61 and 65 Southfield Park, with particular regard to outlook. I therefore find no conflict with Policy D3 (D(7)) of the LP, Policy CS.1B of the HCS and Policy DM1 of the HDMP which together, amongst other matters, seek development that has an appropriate spacing and outlook for neighbouring residents. There would also be no conflict with the SPD given the apparent flexibility afforded

when assessing house extensions in relation to outlook, or the high standard of amenity objective of the Framework.

Other Matters

19. Although there were no objections to the proposed development, a lack of objection is not a reason to approve unacceptable development.

20. I acknowledge that the proposal was amended in response to previous planning refusals[4]. However, the reasons for the eventual officer recommendation and decision are clearly set out in the Officer Report and communications prior to that point do not have a bearing on my consideration of the main issues, as set out above.

Conclusion

21. Whilst I find no harm to the living conditions of the occupiers of Nos. 61 and 65 Southfield Park, with particular regard to outlook, the proposal would harm the character and appearance of the host building and the area. Accordingly, the proposal would conflict with the development plan, when taken as a whole. There are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with the development plan.

22. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR

[4] LPA Refs: P/2240/22, P/0455/22, P/2014/21 and P/0770/19