



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: 7 December 2023

Appeal Ref: APP/M5450/D/23/3318739

24 Dryden Road, Harrow HA3 7JZ

- 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 Ahmad Musbah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3350/22, dated 28 September 2022, was refused by notice dated 02 March 2023.
 - The development proposed is demolition of link extension between the two outbuildings, retention of single storey side and rear extension to outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of link extension between the two outbuildings and single storey side and rear extension to outbuilding at 24 Dryden Road, Harrow HA3 7JZ in accordance with the terms of the application, Ref P/3350/22, dated 28 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 24DR/04B, 24DR/08, 24DR/06B.
 - 2) The external finishing materials of the outbuildings shall be made good with matching materials following the demolition.

Preliminary Matters

2. I have removed the term retention from the decision heading above as it is not a description of development.
3. It was apparent from my site visit that the extensions to the outbuilding are already built. For clarity, I have based my decision on the submitted plans, noting that these plans show that the use is occurring.

Main Issue

4. The main issue is whether the size and use of the extension affects the character of the area and the living conditions of neighbouring occupiers.

Reasons

5. The appeal site relates to an end of terrace house that has previously been altered and extended. It has a long rear garden which backs onto an access track that serves some of the neighbouring houses. The surrounding area is residential in character consisting of similar houses.

6. The proposal seeks to increase the size of the outbuilding to enlarge the gym and provide a WC and storage space. A Lawful Development Certificate was issued for the conversion of the garage into a study/office and the erection of a detached outbuilding to be used as a gym¹. As such, this is a fall-back position as an outbuilding for incidental use has previously been granted at the site.
7. Demolishing part of the outbuilding to de-link the buildings would reduce the overall size and coverage of the garden area which would therefore be an improvement. Although the proposal increases the footprint of the outbuilding, an appropriate amount of garden area is retained.
8. In the Council's delegated report, it is stated that the total area of the ground covered by the proposal would be allowable under permitted development. With the absence of any substantive evidence to the contrary, I am satisfied that there is a legitimate fall-back position. There is a real prospect a development of comparable size and scale, used for similar purposes, could be built, regardless of this appeal decision. This therefore weighs significantly in favour of the proposed development.
9. The extension sits tight in the rear corners of the site with limited views from public areas. The rear location ensures that the extension has little effect on the street scene. Given that an outbuilding of a similar size, covering the garden, could be built without planning permission, I see no reason why the effect of the extension on the character of the area would be any greater. I note that several houses in the area also have outbuildings in their rear garden and as such the proposal does not appear out of character in this context.
10. Although the extension is taller than the boundary treatment, the height does not exceed the height guidance contained in the Council's Residential Design Guide Supplementary Planning Document (2010) which sets these standards to ensure there is no impact on neighbour's gardens. The extension's height is reasonable, and its position at the bottom of the garden, is sufficiently far away from the rear windows of the adjacent houses, so that there is no adverse overshadowing or significantly reduced levels of light to neighbouring houses. The purposes for which the extension is used are unlikely to generate a level of noise and disturbance to a degree that is harmful to neighbours, particularly given the size of the floorspace created.
11. For these reasons, I conclude that the size and use of the extension do not have a harmful effect on the character of the area and the living conditions of neighbouring occupiers. Accordingly, there is no conflict with Policy CS1 of the Core Strategy 2012, Policy DM1 of the Development Management Policies 2013 (the DMP) and Policy D3 of the London Plan 2021, which amongst other things, seek to protect the character of areas and ensure that development does not harm residential amenity.

Other Matters

12. As the footprint of the outbuilding would be reduced, there is no substantive evidence that the proposal results in increased flood risk. Given the small-scale use of the extension, any impact on drainage and waste is likely to be limited.

¹ Council Ref: P/2155/21 – Date of decision: 15 June 2021.

13. The reason for refusal also includes reference to Policy DM7 of the DMP, however, this policy relates to heritage assets and is therefore not determinative in the context of this appeal.

Conditions

14. The Council has requested three conditions which I have considered in light of the Planning Practice Guidance (PPG). As the development has already commenced, a condition relating to the time limit for implementation is not necessary. To ensure that the appearance of the outbuildings is maintained following the demolition of the link extension, a condition is imposed to ensure the buildings are made good with matching materials. I have also imposed a condition listing the approved plans to provide clarity with respect to what has been granted planning permission.
15. Whilst not referenced in the Council's suggested conditions, the Council's delegated report makes reference to a condition preventing the outbuilding from being used as separate residential accommodation. Given that this proposal relates to the extension only, this condition would not be relevant to the development permitted.

Conclusion

16. I have found that the development complies with the development plan, read as a whole. While I have taken account of the concerns with respect to the character of the area and the living conditions of neighbouring occupiers, for the reasons given, I have found these to be of little weight in my overall decision. Therefore, there are no material considerations that indicate that a decision should be taken otherwise than in accordance with the development plan and the appeal should be allowed.

L Reid

INSPECTOR