
Appeal Decision

Site visit made on 5 December 2023

by G Powys Jones MSc FRTPI

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

Decision date: 28.12.2023

Appeal Ref: APP/M5450/D/23/3329158

138 Arundel Drive, Harrow, HA2 8PP

- 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 B Kamalanathan against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1283/23, dated 29 April 2023, was refused by notice dated 10 August 2023.
 - The development proposed is ground and first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for ground and first floor rear extension at 138 Arundel Drive, Harrow, HA2 8PP in accordance with the terms of the application Ref P/1283/23, dated 29 April 2023, subject to the conditions set out in the attached Schedule.

Preliminary matter

2. The Council's second reason for refusal as it appears in its decision letter refers to the alleged effect of the proposals on the residents of 136 Arundel Avenue. I am satisfied that this is a typing error – the reference should have been to 136 Arundel Drive.

Main issue

3. The main issues are the effects of the proposed extensions: (a) on the character and appearance of the host property and its surroundings, and (b) on the living conditions of the neighbouring residents at 136 Arundel Drive with particular reference to light and visual impact.

Reasons

Character and appearance

4. The semi-detached appeal property is set in a suburban street and its garden backs onto the grounds of a primary school. As the Council says, the house has been enlarged before in the form of a simple single storey extension. It's adjoined neighbour at No 136 has a similar extension built to the same depth. However, alongside the appeal property's side boundary with No 140 at the rear is a single storey outbuilding. The intention is to join the outbuilding to the house by building an infill single storey link. One of the link's walls would be built along the boundary with No 136. A first floor extension would be built above what is currently the kitchen.

5. I saw that most properties had been extended on the ground floor to the rear in this part of the street, some to a greater depth than others. Whilst there was some evidence of rear dormers, I saw no two storey extensions close to the appeal site, other than a substantial roof extension which could possibly be mistaken for a two-storey extension at No 144, on the far side of the entrance to the school from the appeal site.
6. The Council considers that the link would extend the dwelling excessively, but to my mind its unobtrusive nature and simple design would not prove harmful, in the context of the dwelling's design. Such would be the proposed link's visually sheltered position that it would have minimal visual impact on its surroundings, and none on the public realm.
7. The first floor extension would be of a modest size and its design, particularly that of its roof, would mean that the finished product would blend harmoniously with the host property. It could be glimpsed from the street outside in the gap between Nos 136 and 140 when built, but that which could be seen would not prove visually unacceptable.
8. Judging from its officer report and having regard to the guidance of its SPD¹, the Council does not find the design or scale of the first floor extension, in itself, objectionable. It is the combined effect of the first and ground floor extensions which are of concern. I do not share this view. Both extensions are acceptably designed with respect to the current form of the host property and are modestly sized. I do not therefore consider the Council's concerns to be justified.
9. I conclude that the proposals as a whole could be built without harming the character and appearance of the host property or its surroundings. The proposal accords 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 of a high standard of design, respectful of local architecture and character, and for house extensions to respect their host buildings.

Living conditions

10. The Council's concerns are centred on the ground floor link extension. As the Council acknowledges, its SPD suggests that rear extensions of 3m are generally acceptable. This extension would comply with that guidance. The Council, however, takes the view that what is proposed is not an original extension but an extension on an extension. It says, in effect, that the SPG's guidance should not be followed in such circumstances.
11. I accept as a matter of fact that the dwelling has been extended previously. However, that that has occurred should not devalue the SPD's guidance on the appropriate depth of extensions in relation to impacts on adjoining residents. The modest depth proposed in circumstances where No 136 has itself been extended to the rear, would mean in my view that the residents of No 136 would not be harmed for any reason.
12. Although not decisive in my considerations I note that, although consulted on the application, the residents of No 136 did not raise an objection.

¹ Harrow Residential Design Guide - Supplementary Planning Document

13. I conclude that the proposed development would not harm the living conditions of the neighbouring residents at No 136 by reason of loss of light or visual impact. The proposed development would not therefore be in conflict with those provisions of Policy D3 D (7) of the London Plan (2021) or Policy DM1 of the Development Management Local Plan Policies(2013) directed to protecting residential amenity.

Conditions

14. The Council's suggested conditions regarding materials and that the development shall be carried out in accordance with the approved plans shall be imposed in the interests of visual amenity and certainty respectively.
15. Since the development is sited on a garden boundary, I consider that the exceptional circumstances exist to impose the Council's suggested condition withdrawing permitted development rights in respect of additional fenestration.

Other matters

16. I have taken account of all other matters raised in the representations, including the objections raised by the residents of No 140 Arundel Drive. I note that these were dealt with in some detail in the officer report, and I share the basis for the comments made there.
17. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Ref: Location plan, P-01, P-02, P-03, P-04, P-05.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the side elevations of the extensions or the linked outbuilding hereby permitted.