



Appeal Decision

Site visit made on 10 January 2023

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2024

Appeal Ref: APP/M5450/W/22/3294390

The Gayton Hotel, 49 Gayton Road, Harrow HA1 2LT

- 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 O'Brien against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/4565/21, dated 16 November 2021, was refused by notice dated 11 January 2022.
 - The development proposed is described as: Enlargement of side dormer including addition of dummy pitched roof; alterations to side dormer to form flat roof; external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form describes the proposed development as 'Alterations to roof for enlargement of east dormer and raising/replacement of existing pitched dormer to flat roof' whereas the decision notice issued by the Council describes it as 'Enlargement of side dormer including addition of dummy pitched roof; alterations to side dormer to form flat roof; external alterations'. There is nothing in the submissions which would indicate that this amendment to the description was agreed between the parties, however, I note that the appellant has adopted the Council's description on the appeal form. The Council's description more accurately describes the development proposed and therefore I have also used this for the purposes of the appeal.
3. On 19 December 2023, the Government published a revised version of the National Planning Policy Framework (the Framework). Whilst this made certain revisions to aspects of national planning policy, only very minor alterations have been made to the provisions most relevant to this appeal in the sections relating to effective use of land and to design, none of which are fundamental to the determination of the appeal. In determining this appeal, I have had regard to the most recent version of the Framework.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal building is a two storey, detached, building with a further level of accommodation within the roof space served by dormer windows. It has a

gabled frontage with the ridge of the roof running perpendicular to the line of the street. Flat roofed box dormers are located to each side of the main roof. A two storey, flat roofed, element is located to the front of the gable featuring a two storey bay window. A further two storey, flat roofed, extension has been added to the north east side of the building running the full depth of the building. The front elevation is finished in white painted render with the side and rear elevations in brick. Together with number 47 Gayton Road, a building of broadly similar design and appearance but without the additional flat roofed side extension, it is operated as a hotel.

6. The building is located on the eastern section of Gayton Road between Sheepcote Road and Northwick Park Road. The immediate vicinity is primarily residential in character although a large school is located at the junction of this section of Gayton Road and Sheepcote Road. Most of the houses are traditionally constructed, two storey, buildings dating from the late nineteenth or early twentieth century. Within these there are some more recent insertions, including a large three and four storey block of flats to the west at the junction of Gayton Road and Sheepcote Road opposite the school, a large modern three story flatted development on the east side of the junction of Gayton Road and Northwick Park Road, and a modern three storey block of flats just to the rear of the appeal building and number 51 Gayton Road. Materials used in the area are predominantly brick and render and there is a variety of roof forms present with hipped roofs featuring subsidiary gables above two storey bay windows especially common. Roofs are generally tiled, with red being the dominant colour.
7. The appeal proposal seeks to extend and enlarge the current, irregularly shaped, dormer on the north east roof plane over most of the width of the flat roofed side extension to create an additional bedroom. It is also proposed to remove the existing chimney stack and convert an existing pitched roof structure, which joins the chimney stack to the main roof plane, with a further small, flat roofed, dormer to provide an additional window to an existing bedroom at the front of the building.
8. In terms of visual appearance and proportion, the present dormer windows on the appeal building relate well to the existing roof form. Although the proposed additions would echo the flat roofed form, general appearance, and materials of the existing dormer windows, the resulting extension would be significantly larger than the corresponding dormer on the opposite roof plane. It would also be considerably larger than those present on number 47, and those on number 51 which is also of an essentially similar design to the appeal building. These three buildings read as a group at the junction of Gayton Road with Northwick Park Road.
9. The visual effect would be exacerbated by the extension being over the existing, flat roofed, two storey side addition to the building. This existing addition has increased the width of the façade and effects its visual relationship with the gable end of the roof above, although the gable remains the dominant high level feature. The proposed dormer extension would further increase the effect of the flat roofed side addition by increasing its height and reducing the visual presence of the gabled end to the roof. As a result, the front elevation of the building would become visually unbalanced with the flat roofs of the existing and proposed dormers becoming more prominent than the gable of the main roof. I accept that the larger dormer would be set back from the front of

the roof plane, nonetheless, I saw when I visited the site that the existing dormers are clearly visible from street level on Gayton Road and Northwick Park Road.

10. I also saw that dormer windows are a feature of some buildings in the area and that a number of other buildings have had roof alterations carried out. However, I would not describe these as dominating the area, as the appellant does, or being a defining architectural characteristic. Moreover, the size and position of the appeal proposal would be much more extensive and markedly different from other dormers in the area. Due to its size and degree of projection beyond the roof plane, the proposed extension would disrupt the present, balanced, roof form and would appear disproportionately large in comparison to the main pitched roof. This would be harmful to the appearance of the appeal building and the small group that it is part of.
11. The appellant suggests that proportionality should be considered in terms of comparing the extension to the size and form of the building as it presently stands, in which case the proposed extension would only result in an approximately 5% increase in floorspace. Whilst this is correct in some respects, this comparison is just one aspect of the assessment which needs to be carried out. The cumulative effects also have to be taken into consideration otherwise buildings could be incrementally increased in size *ad infinitum* through a series of "minor" additions to whatever is its present size.
12. I have found above that the proposed dormer extension would represent a disproportionate addition to the roof of the appeal building. Taking the building overall, it is apparent from the submissions and from my observations at the site visit that the building has previously had substantial extensions and alterations which have increased the footprint, extended the façade, and altered the visual relationship between the ground and first floors and the form of the roof. The appeal proposal although, of itself, only an approximately 5% increase in floorspace would be a further extension above a previous flat roofed side extension, adding to both its height and massing.
13. The cumulative effect of the appeal proposal with the previous extension and dormer windows would result in much of the original form of the building being lost and it no longer being perceived a coherent architectural composition and inconsistent with the general architectural character of the area. The appeal building is not listed and is not within a conservation area. However, it is nonetheless important that new developments are of the highest standard of design and are sympathetic to the surrounding built environment.
14. I have noted the appellant's point in respect of the shortage of visitor accommodation in the area and that the proposal would provide for visitor accommodation in respect of nearby Northwick Park Hospital and the University of Westminster. Although I have no reason to doubt the appellant's statements in respect of the establishments that have closed, these do not quantify the number of bed spaces which have been lost and there is no substantive evidence before me regarding the demand for hotel accommodation in the area.
15. The appeal proposal would only add one new room to the hotel which, despite having a large floor area, would be in a long and narrow configuration. This would limit the options for furniture layout and usability. This additional room would also be at the expense of reducing the size of an existing room to create

an access corridor to the new room and removing the only window to that room, making it an internal room. Within the above context, I can give little weight to this point.

16. Although the appellant argues that the Framework encourages the efficient use of land, and that proposal represents such an efficient use, the Framework also sets out that this should be while safeguarding and improving the environment. Policy D3 of the London Plan 2021 (the London Plan) seeks to optimise site capacity by following a design led approach. The London Plan is, however, also clear that optimising site capacity means ensuring that development is the most appropriate form and land use for the site. It further states the design-led approach requires consideration of design options that respond to a site's context and capacity for growth. Optimising the use of the site should not, therefore, be conflated with maximising the use of the site.
17. There is nothing substantive in the Design and Access Statement or elsewhere in the submissions which sets what design principles and concepts that have been applied to the development. Nor is there anything which would indicate that any other design options have been considered, or the reasons for discounting these. Whilst there is reference to amendments being made to the proposal in the light of earlier schemes which were subject of a previous planning application, which was refused, and to a further appeal, which was dismissed, the drawings relating to these have not been provided and so I cannot draw any meaningful comparisons between these and the appeal proposal.
18. In addition, there is no evidence that would indicate that the appellant's hotel operation is not viable at its current size. Given the above I am not satisfied that it has been demonstrated that the appeal proposal represents most appropriate design to optimise the use of the site or the most efficient use of the building.
19. My attention has also been drawn to two other developments permitted by the Council which it is suggested create favourable precedents for the appeal case. From the submitted information, the scheme at 17 Elmwood Avenue comprised a hip to gable conversion and the construction of a rear facing dormer window at a semi-detached house. Although the proposed works altered the shape of the roof of the building, taken as a whole, the building retained a balanced and proportionate architectural form, and the rear dormer was significantly smaller than the dormer which would result from the appeal proposal.
20. The proposal at 46 Rusland Park Road, comprised a first floor rear extension and an alteration and extension of the main roof, primarily to the rear of the building which would not have a material effect on the front elevation or street scene, nor from the submitted drawings would the massing of the building have been substantially altered.
21. From the information before me, neither proposal is directly analogous to the current appeal and, as a result, little weight can be given to these. In any event, each planning application and appeal must be considered on its own merits.
22. None of these factors either singly or in combination would outweigh the lasting harm that the proposal would cause to the character and appearance of the area.

23. I therefore find that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Policy D3 of the London Plan, Policy CS1 of the Harrow Core Strategy 2012 (the Core Strategy), or Policies DM1 and DM34 of the Harrow Development Management Policies 2013 (the DMP). These policies, when read together, expect new development to achieve a high standard of design and layout that responds positively to the local and historic context in terms of design, siting, and density, whilst making the best use of land by following a design-led approach; and seek to encourage the development and improvement of tourist related attractions and facilities, provided there is no unacceptable impact on the environment or residential amenity.

Other Matters

24. The Council has not raised any other substantive objections to the proposal in terms of matters relating to the living conditions of the occupiers of neighbouring properties, highways and parking, or drainage and flood risk. From what I have read and from what I saw when I visited the site, I have no reason to find otherwise.
25. Whilst the appellant makes reference to the presumption in favour of sustainable development set out in the Framework, in this context sustainable development is development that complies with the policies in an up to date development plan. Whilst the Core Strategy and DMP are now some years old, age alone does not render the policies out of date. The most relevant policies are consistent with the policies in the Framework, and it is not, in any event, argued by the appellant that the most relevant policies are out of date. Paragraph 11 d) of the Framework is consequently not engaged.

Conclusion

26. I have found that the appeal proposal would cause harm to the character and appearance of the area and conflicts with the requirements of relevant policies in the development plan. This is an important matter and as such the proposal would conflict with the development plan when taken as a whole, notwithstanding that it may comply with other policies in the plan.
27. For the above reasons, I therefore conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR