



Appeal Decision

Site visit made on 16 January 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 01.02.2024

Appeal Ref: APP/M5450/W/23/3323390

4 Colmer Place, Harrow HA3 6JW

- 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 Suhkwant Sidhu against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0187/23, dated 20 January 2023, was refused by notice dated 10 May 2023.
 - The development proposed is the erection of a new single storey side extension to main house to form a new one bedroom bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The amendments of the National Planning Policy Framework (the Framework) were published in December 2023. These amendments do not alter the basis upon which this appeal has been assessed.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the streetscene and (b) the living conditions of the occupiers of 5 Colmer Place.

Reasons

Character and Appearance

4. The appeal property is a 2-storey semi-detached dwelling situated within a predominantly residential area. The dwellings along the east side of Colmer Place are of a similar design, materials, character and appearance as the property. By reason of siting, there are gaps between the original side elevation of each pair of semi-detached dwellings. There are single storey domestic side additions at Nos. 1 and 5 but a gap is retained between No. 5 and the property. Overall, there is consistency to the character and appearance of the 2-storey dwellings along the east side of Colmer Place. Along the west side of the road and within the surrounding area there is a mix of semi-detached and terraced 2-storey dwellings, together with some 3-storey dwellings sited adjacent to the property's rear garden boundary.
5. By reason of the additions at Nos. 1 and 5, the proposed side extension to the property would not be an incongruous addition to the streetscene and would

- not materially disrupt the pattern of development. The scale of the proposed extension would be subordinate to the host property and its design, including the bay window and materials, would echo the front elevations of the other dwellings fronting the road.
6. Further, because of the proposed setting back of the flank wall from the shared boundary with No. 5, the scale of the proposed extension would not appear a cramped form of development. There would remain a significant gap at first floor and roof levels between the resulting property and No. 5. For these reasons, the design and width of the proposed extension would not conflict with the high quality design requirements of CS Policy CS.1 and Policy DM1 of the Development Management Local Plan (DMLP).
 7. However, the proposed use of the appeal scheme is as a separate dwelling. Policies CS.1 and CS.2 of the Harrow Core Strategy (CS) do not explicitly state that small scale housing schemes would not be allowed outside, for example, the Harrow and Wealdstone growth corridor intensification area. Instead, CS Policy CS.2 refers to all other development within the Harrow and Wealdstone sub-area, but outside of the boundary of the intensification area, being managed in accordance with the overarching principles set out in CS Policy CS.1. This policy refers to proposals that would harm the character of suburban areas and garden development being resisted.
 8. The Council's *Garden Land Supplementary Planning Document* (SPD) pre-dates the current version of the Framework which no longer includes garden within the definition of previously developed land. Further, the appeal site is not the type of exceptions gap site referred to in the SPD as being considered suitable for the erection of a dwelling.
 9. Although internal and external space standards would be met, the introduction of the proposed single storey dwelling would cause significant harm to the character and appearance of the streetscene along the east side of Colmer Place which comprises 2-storey dwellings and, as such, it would be contrary to CS Policies CS.1 and CS.2. Further, the proposed bungalow would be of a type which would not reflect the predominance of 2-storey dwellings within the surrounding suburban area. The side additions at Nos. 1 and 5 can be distinguished from the appeal scheme by reason of their use as ancillary accommodation to the their host properties rather than being used as independent dwellings.
 10. There would also be a conflict with Policy D3 of the London Plan (LP) which does promote the best use of land by following a design-led approach that optimises the capacity of sites. However, optimising site capacity also means ensuring that development is of the most appropriate form and land use for the site. The proposed bungalow would not be of the most appropriate form and land use when assessed against the character and appearance of the streetscene.
 11. Although the design of the appeal scheme as an extension to the property does not cause significant harm, this is outweighed by the unacceptable harm which would be caused to the character and appearance of the streetscene by its proposed use as a single storey dwelling. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with CS Policies CS.1 and CS.2, LP Policy D3 and the SPD.

Living Conditions

12. The front elevation of the proposed development would be sited forward of the front elevation of the side addition of No. 5 by around 1.9 metres according to the Council. The flank wall of the appeal scheme would be set back from the shared boundary with No. 5 albeit by less than 1 metre. Within the front elevation of the addition is a window which appears to serve a habitable room. This window is sited away from the shared boundary with the property.
13. Although the Council claim that the proposed development would encroach into a 45° line drawn from the window of No. 5, no specific evidence has been provided by either party to demonstrate whether this is the case and, if so, how much encroachment there would be.
14. From what could be observed during the site visit, the window of No. 5 is sited a reasonable distance away from the shared boundary. When combined with the setting back of the proposed extension's side elevation and its degree of forward projection, any impact on the outlook from the window towards the appeal scheme would not be significant. Further, the proposed extension would not be so visually intrusive or conspicuous so as to be an overbearing form of development. By reason of the property being sited to the north of No. 5, any impact on day and sun light reaching the window, or any overshadowing which might occur, would also be limited.
15. On this matter it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 5 Colmer Place and, as such, it would not conflict with DMLP Policy DM1 which refers to resisting proposals which would be detrimental to the privacy and amenity of neighbouring occupiers. On this issue, LP Policy D3 is not considered to be of direct relevance because it does not specifically refer to neighbouring properties or occupiers.

Conclusion

16. Although the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 5 Colmer Place, this matter is demonstrably outweighed by the unacceptable harm which would be caused to the character and appearance of the streetscene. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR