



Appeal Decision

Site visit made on 5 March 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/M5450/C/23/3317410

7 Capuchin Close, Stanmore HA7 3RL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Ivor Gomm against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The notice was issued on 3 February 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised conversion of the side garage into a habitable room with external alterations including raising the height of the roof ('the unauthorised development').
 - The requirements of the notice are: 1. Demolish the unauthorised development or reduce the roof height to accord with the pre-existing elevation plans reference 386/A-020 submitted with planning application reference P/3830/21. 2. Make good any damage caused to the building as a result of the above steps and ensure that all materials used shall match those used in the existing building. 3. Remove from the land all material and debris arising from compliance with the requirements of the notice.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely conversion of the side garage into a habitable room with external alterations including raising the height of the roof, on land at 7 Capuchin Close, Stanmore HA7 3RL, referred to in the notice.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework), published on 19 December 2023, has been taken into account in my Decision.

Ground (a) appeal

Main Issues

3. The main issues in this ground of appeal are:
 - The effect of the unauthorised development on the character and appearance of the bungalow and the surrounding area.

- The effect on the living conditions of existing and future occupiers of neighbouring residential property, having regard to outlook and natural light.

Reasons

Character and appearance

4. The appeal property contains a detached bungalow with a gabled roof. A flat roof structure, previously a garage, is attached to the side and rear of the bungalow. The enforcement notice is directed at works which include the upwards enlargement of the former garage structure to facilitate its use as a kitchen and utility room and for domestic storage.
5. The property is located at the far end of a small residential cul-de-sac, on part of a planned modern estate. The significant similarities in the scale, form, architectural style and materials of bungalows in the cul-de-sac contributes significantly to the pleasant and cohesive suburban character and appearance of the locality.
6. Prior to the enlargement works, the structure was no taller than the eaves at the side of the bungalow. The enlargement works have increased the overall height of the structure by around half a metre. As a result, the roof line of the enlarged structure intersects with the bungalow roof above the level of the eaves at the side. Even so, the enlarged structure does not greatly protrude above the side eaves. The roof line of the enlarged structure sits well below the ridge of the bungalow's roof. As enlarged, the roof line of the structure is not significantly closer to the bungalow ridgeline compared to before the enlargement works. Additionally, despite being at a higher ground level, the roof line of the enlarged structure sits well below the ridgeline of the neighbouring bungalow at 8 Capuchin Close (No 8).
7. The relatively limited increase in overall height has involved a correspondingly modest increase in the scale of the structure, compared with before its enlargement. As so enlarged, the structure does not appear as an awkward or overly bulky addition to the bungalow, nor is it seen as a prominent or alien feature in views from the cul-de-sac. Rather, the enlarged structure is viewed as a subordinate or subsidiary built feature in relation to the considerably larger proportions of the bungalow, having a low-profile roof form closely resembling that of the structure as it existed previously and those of other similar outbuildings in the vicinity. That the structure is set well back from the front elevations of the bungalow and No 8 further offsets the visual impact of the enlargement works, as does the use of matching bricks on the external walls.
8. Therefore, the enlarged structure is well integrated visually with both the bungalow and the surrounding area and there has been no harm to the character and appearance of either. The enlarged structure accords with Policy DM 1 of the Harrow Development Management Policies Local Plan (LP), achieving a high standard of design having regard to its appearance and the context provided by neighbouring buildings and the local character and pattern of development. It also accords with Policy CS1 (B) of the Harrow Core Strategy, by responding positively to the local context in terms of design and respects the host building. Similarly, the enlarged structure accords with London Plan Policy D3 at (1) and (11), by responding positively to local

distinctiveness through its scale, appearance and shape, with due regard to existing building types, forms and proportions and by respecting architectural features that contribute towards local character.

9. The enlarged structure is consistent with advice on single storey side extensions and householder development generally, set out in the Council's Residential Design Guide Supplementary Planning Document (SPD). By reflecting local design policies and taking local design guidance into account, the enlarged structure is also consistent with the Framework.

Living conditions

10. Some of the windows lighting habitable rooms to the rear of No 8 face directly towards the structure over a part of its rear garden, laid out as a courtyard patio area. Windows lighting other rooms facing over the patio area are likely to offer oblique views towards the structure. Given the lower ground levels at No 8, the occupiers of that property would have experienced the pre-enlarged structure as a tall and lengthy built feature adjacent to the southern side boundary, with maturing climbing plants alongside providing some visual softening.
11. The enlargement works have involved little change in the above respect. There has been a relatively modest increase in the overall height and massing of built form adjacent to the boundary with No 8, compared with the structure as it existed previously. On account of their limited scale, the enlargement works have not increased the massing of built form adjacent to the boundary to such an extent that there is an appreciably greater sense of overbearing at No 8. Also, those works have not resulted in the enlarged structure being experienced as a significantly more dominant or oppressive built feature from that property. Nor is there an appreciably greater sense of enclosure by buildings at the rear of No 8, compared to the pre-existing situation. As a result, there has been no harmful erosion in the level of outlook enjoyed by occupiers at No 8.
12. Prior to the enlargement works, the significant visual presence of the structure adjacent to the boundary, together with the more substantial proportions of the bungalow slightly further beyond, would have had a considerable influence on levels of natural light enjoyed at the rear of No 8, both in habitable rooms and on the patio. The extent of overshadowing and levels of daylight enjoyed at the rear of No 8 following the enlargement works is not appreciably different to the pre-existing situation, having regard to the limited increase in the height and massing of the enlarged structure. In addition, given the limited scale of the enlargement works and the siting in relation to other residential property, there has been no harmful erosion in the levels of outlook or natural light enjoyed by other neighbouring occupiers.
13. Therefore, the enlarged structure does not cause unacceptable harm to the living conditions of the existing and future occupiers of neighbouring residential property. The enlarged structure accords with LP Policy DM 1, as there is no detriment to the amenity of neighbouring occupiers, having regard to its visual impact and light and outlook within buildings and outdoor spaces. By delivering appropriate outlook and amenity, the enlarged structure accords with London Plan Policy D3 (7). Also, as there is no unreasonable impact on neighbouring protected windows the enlarged structure is consistent with SPD advice concerning side extensions and householder development generally.

Other matters

14. In the absence of planning harm, granting permission for the enlargement works would not create a precedent for unacceptable development.

Conditions

15. I shall not impose the Council's suggested planning condition, which purports to restrict the use of the enlarged structure. Use other than as part and parcel of or integral to the use of the bungalow as a single dwelling, or activity ancillary or incidental to that use, is highly likely to involve a material change of use requiring express planning permission in any event. Such a condition is therefore unnecessary and does not meet the tests set out in the Framework. No other conditions were suggested and none are necessary.

Conclusion

16. The extension does not cause unacceptable harm to the character and appearance of the bungalow or the surrounding area, nor to the living conditions of existing and future occupiers of neighbouring residential property and accords with the Development Plan, taken as a whole. Consequently, I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

Stephen Hawkins

INSPECTOR