



Appeal Decision

Site visit made on 23 April 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/M5450/W/23/3333159

9 Caddis Close, Stanmore HA7 3TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Dr Nebal Istanbuly against the decision of the Council of London Borough of Harrow.
 - The application Ref P/2029/23, was refused by notice dated 5 September 2023.
 - The application sought planning permission for creation of basement level; single and two storey rear extension; single storey rear extension; single storey front extension; external alterations without complying with condition 2 attached to planning permission Ref P/2860/21, dated 2 September 2021.
 - The condition in dispute is Condition 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans and documents: P-09 CC-01 Rev 0, P-09 CC-02 Rev 0, P-09 CC-03 Rev 0, P-09 CC-04 Rev 0, P-09 CC-05 Rev 0, P-09 CC-06 Rev 0, P-09-CC-07 Rev 0.
 - The reason given for Condition 2 is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is allowed and planning permission is granted for creation of basement level; single and two storey rear extension; single storey rear extension; single storey front extension; external alterations, without complying with condition 2 attached to planning permission Ref P/2860/21, dated 2 September 2021 at 9 Caddis Close, Stanmore HA7 3TL in accordance with the application Ref P/2029/23, dated 11 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: MA-09 CC-01 Rev 0, MA-09 CC-04 Rev 0, MA-09 CC-05 Rev 0, MA-09-CC-06 Rev 0, MA-09-CC-07 Rev 0, MA-09-CC-08 Rev 0, MA-09-CC-09 Rev 0.
 - 2) 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 window(s)/door(s) shall be installed in the flank elevation(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

Preliminary Matters

2. The works which are the subject of this appeal have been completed. This appeal seeks to substitute two of the drawings previously approved, varying condition 2 to ensure that the approved plans reflect the development as built.

Main Issue

3. The main issue is the effect of the development on the character and appearance of 9 Caddis Close and the surrounding area.

Reasons

Character and appearance

4. 9 Caddis Close (No. 9) is a link-detached dwelling on the end of a row of similar properties in a residential cul-de-sac. There is a significant degree of variance in the ground levels across the site, and the ground level at the front of the property is much higher than the rear. To account for this variance the ground level has been built up at the side of the property to create a forecourt and parking area. The neighbouring properties are arranged in such a way that the front elevation of 10 Caddis Close (No.10) faces the side elevation of the appeal property.
5. The previous grant of permission¹ allowed for the partial excavation of the site to create a lower ground floor, as well as a two storey extension to the rear elevation. The previous permission also included a terrace at ground level, at the side of the property, with steps descending to the lower ground level. The previously approved plans indicated that there would be a small storage area and outdoor covered area would be formed at the lower ground level under the terrace.
6. As built the development does not reflect the previously approved plans. The terrace has been extended slightly and the lower ground floor has been extended to incorporate the entire area under the terrace, to create a utility room. The Appellant seeks to amend the approved plans condition to address this.
7. A previous appeal at the site was dismissed² for the infill of the area under the terrace. However, this proposal also included the erection of a single storey extension on the side elevation of the appeal property. As the previous appeal included other development, it represents a materially different proposal. The previous inspector raised concerns that the extension on the side elevation would impinge on the open area between No.9 and No.10 resulting in an uncomfortable arrangement between the two properties and a dominant built form at No.9. This does not form part of the appeal scheme before me.
8. The lower ground floor extension is not visible from the street and does not extend into the area between No.9 and No.10. The additional extended area is relatively modest, has an external finish to match the original dwelling and reads as a continuation of the rear elevation as extended. Further, the rear garden is a generous size and suitably accommodates the additional extended area.

¹ P/2860/21

² APP/M5450/D/22/3306553

9. As such the property as extended is not significantly or unacceptably different to the layout and external appearance of the extensions approved as part of the 2021 permission. The variation of Condition 2 to include the revised drawings would not harm the overall design of the development or the character and appearance of the area and is therefore a reasonable amendment.
10. For the reasons detailed above the development would not harm the character and appearance of 9 Caddis Close and the surrounding area. The development is in accordance with the design aspirations of the Framework and Policy D3 of the London Plan 2021, Core Policy CS1.B of the Harrow Core Strategy 2012 and Policy DM1 of the Harrow Council Development Management Policies 2013 which require that all development achieves a high standard of design, makes the best use of land by following a design led approach; and responds positively to the local context in terms of design, siting, density and spacing.

Other Matters

11. A range of other matters have been raised by interested parties. I note that previous applications have been refused and appeals have been dismissed at the site. I have had regard to the previous appeal decision. Furthermore, there is no restriction in terms of how individual rooms are used.
12. Due to the topography of the site, the position of the extension and the degree of separation from neighbouring properties, the development does not have an unacceptable impact on the residential amenity of neighbouring properties.
13. Concerns have been raised that the lower ground floor of the property could be converted into a separate ground floor flat or a House of Multiple Occupation. However, the proposal is for the extension of the dwelling, and I have determined the appeal based on the submitted plans. The appeal proposal does not impact on existing parking provision within the site.
14. There is no evidence before me to suggest that the development has, or would have, a materially detrimental impact on drainage in the area.

Conditions

15. Condition 1 of my Decision replaces Condition 2 of the 2021 permission and includes the revised drawings. This is necessary in the interests of certainty.
16. In respect of the other conditions on the 2021 permission, Planning Practice Guidance makes it clear that when granting permission under s.73A they should be repeated on decision notices unless they have already been discharged. In this case Condition 1 and Condition 3 of the 2021 permission relate to the time-limit for implementation and the external surfaces of the extension. As the extensions are completed, it is not necessary for me to impose these conditions.
17. The Council has confirmed that Condition 5 of the 2021 permission has been discharged and is therefore not required. I have imposed Condition 2 which reflects the original Condition 4, to safeguard the amenity of neighbouring residents.
18. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

19. For the above reasons I conclude that the appeal should be allowed.

C Livingstone

INSPECTOR