

Appeal Decision

Site visit made on 8 May 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/M5450/W/23/3330518

11 Tavistock Road, Edgware HA8 6DF

- 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 M Gorasia against the decision of the Council of the London Borough of Harrow.
 - The application, Ref. P/1460/23, dated 16 May 2023 was refused by notice dated 26 July 2023.
 - The development proposed is Erection of infill extension; a part one part two storey side extension; loft conversion; the conversion of the property to create three flats; (2 x 1-bed 2 person flats and 1 x 2-bed three person flats) and associated amenity, parking and cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the host building and its surroundings and (ii) the living conditions for future occupiers of the proposed flats and the occupiers of No. 9 Tavistock Road. For the avoidance of doubt, I consider that issue (i) arises in connection with the Notice of Refusal reasons 2, 3, 4 & 5 and issue (ii) as regards 1 & 6.

Reasons

Character and Appearance

3. The appeal building is on a corner plot at the junction with Appledore Close and one half of a pair of semi-detached houses with No. 9 Tavistock Road. The property is presently a single dwelling and the proposal is for extensions and a conversion of the enlarged building into three flats. The context of the site is that of pairs of semi-detached houses, some of which have been extended.
 4. As regards the effect of the proposals on character and appearance, the Council's concern is firstly with the proposed extensions – the rear dormer and the side / rear extensions – and secondly with the consequences of a more intensive use in the form of the sub-division of the garden and the increased demand for parking and refuse storage / recycling facilities.
 5. Turning firstly to the extensions, the appeal scheme proposes roof extensions to include a hip to gable extension and a rear dormer; a single and two-storey side
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extension, and a single storey rear extension. Alterations and extensions to the roof and the rear extension that form part of the scheme are already approved in the form of a Certificate of Lawful Proposed Use dated 31 January 2023 ('the PD scheme') and this together with the plans form the appendices to the Grounds of Appeal.

6. In simple terms the appeal proposal broadly seeks to retain these additions but add to them in the form of further extensions. These would comprise firstly a mainly two-storey element which would extend the full length of the existing side wall of the house, and secondly an infill extension. The latter would be an addition to the single storey rear extension included in the PD scheme. In both cases these extensions would extend the built form to the boundary with the pavement of Appledore Close.
7. I acknowledge that with the set-back and set-down from the existing house the proposed two storey extension follows the Harrow Residential Design Guidance. However, when taken together with the infill extension and the permitted development / prior approval additions allowed under the PD scheme, the cumulative impact of the appeal proposal would result in a building of a size and form that would imbalance the semi-detached pair of dwellings with No. 9.
8. More importantly, the extended building would draw the eye as being bulky, unduly dominant and visually intrusive. These effects would be not only due to to the excessive scale for this modestly sized plot with its tapered shape, but also as a result of the development being on a corner plot. This would mean the flat roof rear addition being seen above the site's fence line from much of Appledore Close, with the two-storey side extension particularly prominent when travelling north westwards along Tavistock Road.
9. The character and appearance of the property and its immediate surroundings would also be affected by the combination of the modest size of the outdoor area (which would be made still smaller by the significant increase in the size of the building's footprint) and the consequences of a greater intensity of use in the form of three separate households.
10. In this context I consider that the Council is correct to refer to the sub-division of the rear garden; three parking spaces, a cycle store and a bins area all to the front, and therefore part of the street scene, as making a negative contribution to the appearance of the site and this part of Tavistock Road. I have noted the counter arguments in the grounds of appeal but I remain unconvinced that the subdivision and additional fencing to create separate gardens would be in keeping with the area (or in the case of Flat C sufficiently convenient, to which I refer in paragraph 16 below).
11. As regards the frontage, even if the planting to act as a buffer for the bedrooms of the ground floor flats from the parking spaces were to be successful, it would have an adverse effect through the reduction of outlook and light. Nor do I regard the small area of grass and planting on the site corner, hard to the pavement and adjacent to the bins area to be sufficiently large or relatable to occupiers as regards their perception of an amenity area worthy of regular maintenance. I regard it as more of a token area than a meaningful space that integrates well with the development as a whole.

12. On this issue I therefore find that there is too much development on too small a site and if approved the outcome would be one of an unacceptably harmful impact on the character and appearance of the host building and its surroundings. As such, the appeal scheme would be in conflict with Policies D3 D1; D6; D11 & T5 of the London Plan 2021; Policy CS1.B of the Harrow Core Strategy 2012; Policies DM1; DM23; DM26; DM42 & DM45 of the Harrow Development Management Policies Local Plan 2013; the relevant design guidance and additionally with Government policy in Section 12: 'Achieving Well-Designed and Beautiful Places' of the National Planning Policy Framework December 2023 ('the Framework').
13. I have had regard to other developments nearby referred to in the grounds of appeal, but each case must be decided on its individual merits. And I do not regard the other extended properties that I saw on my visit as either being of sufficient merit or in sufficient numbers to have affected the character and appearance of the area in order to be reasonably be cited as precedents for the disproportionate extension and change of use of this semi-detached house.
14. I acknowledge that the appellant has a 'fallback' in that a dormer and a single storey rear extension could be built without the permission currently being sought. However whilst I have taken this into account as a material consideration, I consider that compared to the appeal proposal the extensions on their own would have neither a more adverse nor a broadly equivalent impact on the street scene. Accordingly, the fallback is of insufficient weight in the planning balance to affect my overall judgement as to the merits or otherwise of the application. However, in paragraph 15 below I agree that one aspect of the fallback is relevant.

Living Conditions

15. Turning more briefly to issue (ii), I agree with the Council's objection as regards the adverse effect of the rear extension on the outlook and light for No. 9. There is a full height glazed double door to the living area of that dwelling which would be significantly affected by the rear extension in respect of undue enclosure and loss of light, including morning sunlight. Despite the PD scheme having the same effect, this remains a valid criticism of the proposed development, but in fairness it would not in itself be a deciding factor in the appeal due to the existence of a fallback option.
16. The other aspects of this issue are the Council's criticisms of the amenity area for Flat C and the internal layout of Flat B. I have mentioned in paragraph 10 above the inconvenience of the former but for the most part it is a drawback that any prospective occupier could make their own decision on in terms of whether or not to live in the property. In respect of Flat B, I do not regard the disadvantages cited as being of sufficient weight to preclude the same approach as in the case of Flat C.
17. Overall, in respect of living conditions, I do not find a clear contravention of Policies D3; D6; D7; D8 & D10 of the London Plan 2021; Policies DM1; DM26 & DM27 of the Harrow Development Management Policies Local Plan 2013; the relevant design guidance or with paragraph 135f) of the Framework.

Conclusion

18. On both main issues I have had regard to the objections of local residents in response to public consultation on the application. Whilst these covered a range of issues, some of which not directly relevant, a substantial number were on similar lines to the officer's report. I have therefore given them due weight in reaching my decision.
19. I have concluded on main issue (i) that the proposal would have an unacceptable effect in conflict with local and national policies. This would not be outweighed by my more favourable finding for the appellant on issue (ii). Accordingly, and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR