



Appeal Decision

Site visit made on 25 July 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2024

Appeal Ref: APP/M5450/D/24/3343857

Weald Cottage, Clamp Hill, Harrow Weald, Harrow, HA7 3JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Harshil Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/0768/23.
 - The development proposed is to demolish existing garage, erect new side and rear single storey extension, re-build porch in a central location, roof extension with gable ends, pitched dormer window to front, pitched gable end roof over existing flat roof to rear, 4 new bay windows to front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the host dwelling and the surrounding area.
 - If the proposed extensions would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

3. The appeal site is located in a semi-rural location. It lies in the Green Belt. The site comprises a detached house with a single storey attached garage to the side and a small porch. The dwelling is set back from Clamp Hill on a similar building line to other nearby properties. It lies on a large plot with woodland to the rear. Land on the opposite side of Clamp Hill is open.

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on the state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. For extensions and alterations these should not result in disproportionate additions over and above the size of the original building. "Original building" is defined in the Framework as a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as originally built.
5. Policy G2 of the London Plan (LP), 2021, Policy CS1.F of the Harrow Core Strategy (CS), 2012, and Policy DM16 of the Harrow Development Management Policies Local Plan (DMP), 2013, are broadly consistent with the Framework insofar as they seek to protect the Green Belt from inappropriate development unless very special circumstances exist.
6. The Council suggests that to be considered as not disproportionate, extensions would need to increase the original size of the dwelling by no more than about 30%.
7. The Council estimates that the original dwelling had a footprint of some 54m² and that with existing extensions the footprint is some 90m². The appellant agrees that the existing footprint is some 90m² but states that the original (1948) footprint was about 79m² and a rear infill extension increased this to the existing amount. In my view the appellant's calculation is more accurate since the only extension referred to is a two storey rear addition which the Council states was permitted in 1970 and which the appellant states to have added a footprint of some 11m² which, in the context of the footprint as a whole, appears reasonable. Likewise, the appellant's calculated floor areas are more credible since the Council states that the original floor area was less than the footprint which cannot be the case for a two storey dwelling. I therefore consider that the original floor area was likely to have been some 128m² and that the existing floor area is some 150m², disregarding the non-habitable loft.
8. According to the appellant the current proposals, which include a large single storey rear addition and a roof extension to accommodate three bedrooms, would increase the ground floor area by some 43.8m² and at roof level an additional 45m² would be added. The bay windows would add slightly to this. The resultant floor area would therefore be about 240m². The significant extensions proposed at ground floor and second floor level would therefore exceed the Council's 30% "rule of thumb" by a considerable margin, converting a relatively modest family dwelling into a substantial six bedroom house. Taken together the increases would amount to disproportionate additions over and above the size of the original dwelling.
9. It is concluded on the first main issue that the proposed extensions would amount to inappropriate development in the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness of the Green Belt

10. The Framework states that the essential characteristics of Green Belts are their openness and permanence. Openness has a spatial and visual aspect. The appeal property is clearly visible from Clamp Hill, situated on rising land at a point where the highway begins to crest the hill. The openness of the Green

Belt is evident around the dwelling and in the wider area as a result of spaces between dwellings, the limited scale of development in the immediate locality and the open land opposite.

11. The proposed roof extensions and in particular the proposed hip to gable alterations and front dormer window would be clearly visible in the street scene, exacerbated by the elevated position of the appeal dwelling and its position between two lower bungalows. This would reduce openness at roof level. However, compared with earlier schemes there would be no increased loss of openness to the side of the dwelling, and this would limit the harm. The ground floor extensions and roof alterations to the rear would be less visible and their effect on openness would be less significant. Nevertheless, the combined extent of all the proposed extensions and alterations would result in a noticeably larger dwelling that would harm the openness of the Green Belt in both visual and spatial terms.
12. It is concluded on the second main issue that the proposed extensions would result in modest harm to the openness of the Green Belt. The Framework makes clear that substantial weight should be given to any harm to the Green Belt and the loss of openness therefore weighs heavily against the proposals.

Character and appearance

13. In terms of design, the Council raises no objection to the replacement of the single storey garage or to the single storey rear extensions. Neither does it object to the proposed front porch or the external alterations to the front elevation that would result in a symmetrical arrangement. I agree these would be acceptable, being of good design and responding positively to the character and context of the original dwelling and surrounding area. I shall therefore restrict my further consideration of the effect on character and appearance to the proposed roof alterations.
14. The proposed roof extensions and alterations would comprise a hip to gable conversion, a central front dormer and, to the rear, set-down twin gables with a valley infill between. The hip to gable alteration would change the appearance of the dwelling but as there is no uniformity of design amongst dwelling on this part of Clamp Hill, I find this acceptable in principle. The roof would appear somewhat bulkier but the height would remain unchanged and its overall width would not alter, ensuring there was no loss of space between dwellings, thus maintaining the gentle rhythm and spaciousness of the street scene.
15. The front dormer would be set within the roof slope. However, its forward projection would make it a prominent addition, drawing the eye towards the enlarged roof. Moreover, front dormers are not common on this part of Clamp Hill. The proposed dormer, owing to its size and in particular its depth, would therefore be an incongruous and unsympathetic addition, out of keeping with the surrounding area.
16. To the rear, the roof would be improved visually by the addition of a pitched roof over the existing flat roofed two storey infill extension. Although both this and the existing hipped rear roof would be gabled, this would correspond with the gable ends of the main roof and thus harmonise with the roof as a whole. The valley between the two gables would be infilled. The infill would be set down slightly from the ridges of the twin gables and thus not seen in the side

elevations. Nevertheless, it would be clearly visible from the rear from where it would appear as an artificial and bulky addition that would materially detract from the otherwise well-ordered rear elevation.

17. It is concluded on the third main issue that the proposed extensions and alterations to the roof would have a materially detrimental effect on the character and appearance of the host dwelling and on the surrounding area. In consequence, they would conflict with LP Policy D3, CS Policy CS1, DMP Policy DM1, the Framework and the Council's Supplementary Planning Document: Residential Design Guide, 2010. Taken together and amongst other things these expect new development to show a high standard of design that responds positively to the local context, character and distinctiveness and, in the case of extensions, respect the host building.

Other considerations

18. The appellant draws my attention to one other consideration which he considers might amount to the very special circumstances necessary to justify the proposal. This is the existence of a fallback position. The Council has granted a Lawful Development Certificate (LDC) for various extensions and alterations to the main dwelling, including a single storey rear extension, a hip to gable roof conversion with two dormer windows to the rear, and a large, detached outbuilding. The additional floor space that could be added amounts to some 66m² at ground floor, plus some 33m² of habitable space in the enlarged roof.
19. Based purely on the increase in built floor area at the site, the LDC proposals would result in a modestly greater increase. As shown in the evidence, it also allows for some changes which are incorporated in the appeal scheme, such as the hip to gable roof conversion. In some respects, the appeal proposals would also result in a more cohesive design than the LDC proposals. However, I have found that the appeal scheme would itself have a materially detrimental effect on character and appearance. Moreover, in terms of disproportionate additions to the original dwelling and the effect on openness, the appeal scheme would involve greater additions, especially at roof level, which would be more apparent than, in particular, the effect of the outbuilding which would be low profile and set in a secluded area at the end of the long garden.
20. Furthermore, although the appellant states that the outbuilding would be omitted if the appeal was allowed, there would be nothing to prevent this being built under the terms of the LDC before the appeal scheme was implemented. If this occurred the effect on openness would be exacerbated. Whilst a condition removing permitted development rights could be imposed on any permission granted, this would not have effect until the planning permission was implemented. As advised by my colleague in the previous appeal decision (APP/M5450/D/22/3313159) a planning obligation giving up permitted development rights if planning permission was granted would need to be in place before the LDC proposals could be viewed as a genuine fallback, since without this the LDC simply provides an additional option to enlarge the dwelling.
21. Overall, I find that the LDC would not amount to a genuine fallback and would not outweigh the harm I have found to the Green Belt and the additional harm to the character and appearance of the dwelling and the surrounding area. Accordingly, the LDC scheme carries limited weight.

22. The appellant refers to other development that has been permitted in the surrounding area. However, I have little detail of these other examples and afford them minimal weight.
23. I note that the appellant has spent a considerable time endeavouring to secure permission to enlarge the dwelling to accommodate his multigenerational family. Moreover, the family has found the experience exhausting and stressful due, in part, to alleged delays by the Council. However, I have very little evidence regarding these personal circumstances, and matters relating to the Council's timescales for handling planning applications are outside my jurisdiction. I therefore afford these considerations limited weight.
24. Accordingly, it is concluded on the fourth main issue that, in the final balance, the fallback position and other considerations would not clearly outweigh the total harm to the Green Belt through inappropriateness and loss of openness and the other harm to character and appearance. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed extensions would therefore conflict with LP Policy G2, CS Policy CS1, DMP Policy DM16 and with national policy set out in the Framework.
25. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR