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## Appeal Decision

Site visit made on 3 September 2024

**by Philip Willmer BSc Dip Arch RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 October 2024**

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**Appeal Ref: APP/M5450/D/24/3346889**

**61 Axholme Avenue, Harrow, Edgware, HA8 5BD.**

- 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 Sean McCarthy against the decision of the Council of the London Borough of Harrow.
  - The application Ref is PL/0852/24.
  - The development proposed is a double storey rear extension with adjoining property.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. It is clear from the evidence provided and my site visit that the owner of number 63 Axholme (No 63) Avenue proposes an identical development to that proposed here. However, that matter was the subject of a separate planning application. I am not aware of any mechanism to ensure that if I were to allow this appeal the identical extension proposed to No 63 would be built at the same time, if at all. I shall therefore determine this appeal based on a standalone extension to this property.

### Main Issues

3. I consider from my inspection of the site and its surroundings, the main issues in this case are:
  - the effect of the proposal on the character and appearance of the host property, and;
  - the effect on the living conditions of the neighbouring occupier at number 63 in terms of the extension potential to appear overbearing, result in a sense of enclosure or cause a loss of light.

### Planning Policy

4. The development plan includes the London Borough of Harrow's Core Strategy (Adopted February 2012) (CS) and the London Borough of Harrow's Development Management Policies (Adopted July 2013) (DMP) along with its Local Development Framework Supplementary Planning Document–Residential Design Guide (Adopted 15 December 2010) (SPD). CS Policy CS1 requires,

amongst other things, a high standard of design. DMP Policy DM1 requires, along with other things, the assessment of design to have regard to the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers.

### **Reasons**

5. The appeal property 61 Axholme Avenue (No 61) is one half of a semi-detached three-storey dwelling with No 63. The original house has previously been extended by the construction of a 6.0 metre or so deep single storey flat roofed rear extension and large full width box dormer to the rear roof slope. As I saw No 63 also has matching previous extensions and additions to the rear of the dwelling.
6. The appellant proposes the construction of a 3.0 metre deep, full width first floor addition over the existing ground floor extension. The proposed extension would have a part flat, and part pitched roof.
7. The Council's SPD provides design guidance for extensions and alterations to residential property. Amongst other things it suggests that roofs of first floor rear extensions should be designed to reflect the character of the existing dwelling house.
8. I consider due to the proposed unusual form of the roof, comprising both a part pitched and part flat roof, the first floor extension would appear incongruous and only serve to denude the established architectural character and form of the host property.
9. In addition, when this extension is considered in conjunction with the earlier large, and in the case of the box dormer imposing, additions the proposed extension would serve to further subsume the original dwelling.
10. I therefore conclude in respect of the first main issue that the proposed development would cause significant harm to the character and appearance of the existing house. It would therefore be contrary to the objectives of CS Policy CS1, DMP Policy DM1 and the SPD as they require, along with other things, development to be of high quality of design.

### *Living conditions*

11. The Council's SPD advises that first floor extensions abutting a side boundary have the potential to have a detrimental impact on the living conditions of the occupiers of neighbouring properties due to their potential to, along with other things, overshadow or cause a loss of light.
12. The proposed first floor addition would be full width and project some 3.0 metres in front of the rear façade of dwelling. In these circumstances the SPD states that extensions must always comply with the 45 Degree Code. In addition, where extensions are located to the south or west of the neighbouring dwelling, they would normally be unacceptable even if they comply with its 45 Degree Code.
13. The proposed first floor addition to No 61 would be located to the south-east of No 63. Further, as I saw No 63 does have a window serving a bedroom at first floor level in its rear elevation. By reference to the application drawings the proposed first floor addition would, due to its depth breach the Council's 45

Degree Code. Given this and its orientation, it would overshadow the bedroom window, result in a loss of sunlight, appear overbearing and result in an increased sense of enclosure.

14. I conclude in respect of the second main issue that the proposed extension would cause significant harm to the living conditions of the occupiers of No 63. To allow the development would therefore be contrary to the aims of DMD Policy DM1 and the SPD as they relate to the protection of residential living conditions.

### **Other Matters**

15. The appellant has drawn to my attention concerns relating to the way in which the Council dealt with the original application for planning permission. However, these concerns are not relevant to my consideration of the planning merits of this appeal. Nevertheless, there are other avenues open to the appellant to seek to address these concerns.

### **Conclusions**

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Philip Willmer*

INSPECTOR