



Appeal Decision

Site visit made on 5 August 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2024

Appeal Ref: APP/M5450/W/24/3342636

10 Wolseley Road, Harrow, HA3 5RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Rajeev Kanwar against the decision of the Council of the London Borough of Harrow.
- The application Ref is P/0136/23.
- The application sought planning permission for *"second floor extension to create one x one bed flat (C3); alterations to existing flats on ground and first floor to include single storey extension; single storey side extension to create entrance; first floor front extension; first floor side extension; balcony at first floor rear; refuse and cycle storage"* without complying with a condition attached to planning permission Ref P/2421/20, dated 14 October 2020.
- The condition in dispute is No 2 which states that: *"Save where varied by other planning conditions comprising this planning permission, the development hereby permitted shall be carried out, completed and retained in accordance with the following approved plans and documents: 20.8864.01; 20.8864.02A; 20.8864.03; 20.8864.04b Rev B; 20.8864.05 Rev D; 20.8864.06C Rev C; 20.8864.07; Design and Access Statement dated 8th July 2020; Flood Risk Assessment dated 8th July 2020."*
- The reason given for the condition is: *"For the avoidance of doubt and in the interests of proper planning."*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The extension of the building and the creation of an additional one bed flat was granted planning permission in October 2020 ('the 2020 permission') subject, amongst others, to a condition requiring adherence with the approved documents ('Condition 2').
3. I observed that building works had been carried out, including the construction of the additional storey, however as this work did not appear to wholly reflect the revised plans which are before me, I have considered the appeal on the basis of the provided drawings.

Main Issues

4. The main issues are the effect of varying the condition on:
 - the character and appearance of the area;

- whether future occupiers would be provided with suitable living conditions with particular regard to private amenity space, and;
- the living conditions of existing occupiers of nearby properties.

Reasons

Character and appearance

5. The appeal property currently comprises a three-storey building with a flat roof. The alterations to the rear elevation in terms of incorporating the previously approved terraces within the building and providing alternative balconies, although resulting in a large building overall, would be relatively minor changes to the scheme and would not, in themselves, lead to harm to the character and appearance of the area.
6. The 2020 permission incorporated a mix of render and brick materials for all three storeys of the development. At the time of my visit, the upper storeys were of a predominantly render finish, with the ground floor being of brick construction. This is partially reflective of the proposal before me, however the provided plans indicate that the first floor would be of a "mocha" render and the upper storey mainly of "linen" render, with "mocha" being utilised for the rear elevation of this upper storey also.
7. Although the predominant material in the area is red brick, there are examples of other materials such as buff brick and render. Several houses on Wolseley Road exhibit render finishes of various colours. Therefore, the use of render would not, in principle, appear as incongruous within this context.
8. However, the use of different coloured renders across the upper stories, including a mix of renders on the highest element, would lead to the scheme lacking visual cohesion. Where render has been used elsewhere in the area, it is generally applied consistently across an elevation, or above brickwork.
9. Although the appeal property is set back from road frontages, the height of the building in comparison to those around it provides it with prominence, particularly when seen from Wolseley Road. Therefore, the varied approach to the colour treatment of external materials proposed would be obvious and would lead to a development of poor legibility. In doing so it, would harmfully visually jar with the context within which it would be located.
10. The proposal would harm the character and appearance of the area. It would be contrary to London Plan ('LP') Policies D3 and D6, Harrow Core Strategy ('CS') Policy CS1B and Harrow Development Management Policies ('DMP') Policy DM1, which together and amongst other factors state that developments should positively respond to local distinctiveness, and be of a high quality of design. It would also conflict with advice within the Framework which highlights the importance of creating high quality buildings and places.
11. It is also stated that the proposal would conflict with guidance within the Harrow Residential Design Guide Supplementary Planning Document ('the RDG'), however I have not been directed to any particular text of relevance within this document. It has not, therefore, been determinative in my consideration of this main issue.

Living conditions of future occupiers

12. The scheme as originally approved included roof terraces of 4.25 square metres ('sqm') for the first and second floor flats. The revised proposal would result in these terraces being incorporated into the bedroom spaces, with alternative balcony areas provided, measuring 3.5sqm.
13. LP Policy D6 states that where there are no higher local standards, hat a minimum of 5sqm of private outdoor space should be provided for a 1-2 person dwelling, with a minimum depth and width of 1.5m. These standards are reflected within London Plan Guidance Housing Design Standards ('the HDS'). Although the proposal would provide balconies which would meet the required 1.5m dimensions, they would nevertheless fail to meet the minimum size in relation to area. Neither LP Policy D6 nor the HDS indicate that these standards are alternatives, rather both should be achieved.
14. The result would be that at 3.5sqm in area, the proposed balconies would be cramped and of only minimal practical use in providing private outdoor amenity space. The fact that public open space and a leisure centre can be found in the area would not mitigate the lack of private amenity space. While public open spaces are valuable, they do not wholly replicate the benefits of private outdoor amenity spaces in terms of privacy and general wellbeing, and as areas to carry out day-to-day domestic outdoor activity such as drying laundry.
15. It is the case that the proposal would provide future occupiers with larger internal spaces of less irregular shape. While there would be advantages to this in terms of arranging furniture and having a generally more useable internal space, these advantages would be marginal and would not outweigh the harm of failing to provide practical areas of outdoor amenity space, which would have a different function.
16. I am mindful that the terraces as originally approved would also fail to meet the LP Policy D6 and HDS guidance and that this scheme would potentially represent a fallback position. However, as the proposal before would me be materially worse in this respect, I afford only limited weight to the previous proposal in relation to this issue.
17. The proposal would fail to provide future occupiers with suitable living conditions with particular regard to private amenity space. It would be contrary to LP Policies D3 and D6, and DMP Policy DM1. Together, and amongst other factors, these policies state that housing development should be of a high-quality design and layout and provide a satisfactory quantum and form of amenity space.

Living conditions of existing occupiers

18. There are existing residential properties above and behind commercial buildings on High Street, some of which have roof terraces facing towards the rear of the proposal. The proposed balconies would provide views across to existing balconies.
19. It is not disputed that there would be approximately 15m separation retained between the proposed balconies and the closest residential properties. The character of the rear of the appeal site and buildings on High Street is dense

and urban in nature, comprising a mix of roofscapes, upper storey elevations and narrow accessways. As a result, the character is enclosed, and the existing roof terrace areas are already overlooked at relatively close proximity.

20. The RDG recognises that the degree of overlooking between buildings and residents' expectations can vary significantly within the urban environment, that in town centres overlooking relationships between buildings and uses will usually differ from that which exists between houses in residential areas, and that new development must have regard to the character of its location.
21. While the proposal would not achieve the normally expected levels of separation, the harm that would result would not be significant as the proposal would reflect the existing character of its surroundings. Furthermore, the relationships that would be established would not be significantly different from those that would be created by the implementation of the previously approved scheme.
22. The proposal would not unacceptably harm the living conditions of the occupiers of nearby properties. It would be in accordance with LP Policy D3 and DM Policy DM1. Together, and amongst other factors, these policies state that developments should provide appropriate privacy and respond to the existing character of a place. It would also align with advice within the RDG which I have set out above.

Conclusion

23. Although I have found in the appellant's favour with regard to one of the main issues, the proposal would nevertheless conflict with the development plan when read as a whole. There are no considerations, including the Framework, that would indicate a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR