



Appeal Decision

Site visit made on 22 April 2025

by **John D Allan BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/M5450/D/24/3356556

29 Fallowfield, Stanmore, Harrow, HA7 3DF

- 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 and Mrs Roshandel against the decision of the Council of the London Borough of Harrow.
 - The application Ref is P/2607/23.
 - The development proposed is the erection of single-storey side and rear extensions; conversion of garage into habitable room; creation of first-floor; external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single-storey side and rear extensions; conversion of garage into habitable room; creation of first-floor; external alterations at 29 Fallowfield, Stanmore, Harrow, HA7 3DF in accordance with the terms of the application Ref P/2607/23, and the plans numbered 22007/1, 22007/2A, 22007/3D, 22007/4D and 22007/6, subject to the following conditions:
 - 1) 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 windows/doors shall be installed in the flank elevations of the development hereby permitted other than those shown on the plans submitted with the application.
 - 2) The first-floor windows in the south-west facing flank elevation of the development shall be retained: (a) with purpose-made obscure glass, and (b) permanently fixed closed below a height of 1.7m above finished floor level.
 - 3) The roof areas of the extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Application for Costs

2. An application for costs was made by Mr and Mrs Roshandel against the Council of the London Borough of Harrow. This is the subject of a separate decision.

Procedural Matters

3. The application was made retrospectively after construction work had been started. At the time of my visit the development was substantially complete.
4. The application form contained a lengthy description of the proposal. The banner heading above and my formal decision uses the description that was given by the

Council on the decision notice and which was repeated by the appellants on the appeal form. This gives an accurate but more concise description of the development.

5. There is some confusion over one of the plans considered by the Council and listed on the decision notice. The '*Proposed Roof Store and Roof Plan*' is listed as Drg No 22007 4C. The application was amended whilst under consideration to omit heating/cooling/ventilation infrastructure that had been installed on part of the dwelling's roof. The appellants point out that Drg No 22007/4D correctly shows the omitted infrastructure and that this should have been quoted on the decision notice. The Council has not rebutted this. I observed during my visit that there was no such infrastructure visible on the roof. Despite a written request to do so, the Council has failed to provide a copy of Drg No 22007/4D. Notwithstanding, I have taken a copy of the plan that was available from the Council's own planning portal page for the application where it is described as '*amended plans and elevations as built*'. It is clear to me the drawing was submitted to and considered by the Council and that it is consistent with what I saw built.

Background and Main Issue

6. The appeal property was subject to two fairly recent planning permissions. In January 2022 planning permission (Ref P/4233/21) was granted for works described as '*Single storey side and rear extensions; conversion of garage to habitable room with installation of window to front; replacement, installation and re-location of windows; two rooflights in flat roof; external alterations*'. In June 2022 a second planning permission (Ref P/1259/22) was granted for works described as '*Alterations and extension to roof to create first floor level; external alterations*'. I have been presented with copies of the decision notices for each, the Council's officer's reports, and the approved plans.
7. The second application stood in isolation of the first. Nevertheless, the plans annotated the outlines of the single-storey and rear extensions that had been approved by the first application. Moreover, the first planning permission was extant at the time the second application was considered by the Council.
8. The development that has taken place is a close amalgamation of both previous planning permissions with some differences, including changes to some of the fenestration patterns previously approved and an uplift to the height of the first-floor extension.
9. Having regard to the background and the Council's officer's report and reason for the refusal as stated on the decision notice, the main issue in this appeal is the effect of the first-floor extension upon the living conditions at 30 Fallowfield, with particular regard to visual impact.

Reasons

10. The development which has been undertaken has extended and converted an original traditional bungalow into a part two-storey, part single-storey contemporary styled-dwelling. It sits within a residential cul-de-sac loop recognised by the Council as comprising an eclectic mix of architectural styles with significant variation to the scale, massing and appearance of dwellings, including between immediately neighbouring properties. The Council's officer's report properly recognises the first-floor extension over part of the original building's footprint is similar to the extension

approved in June 2022, as I note are the single-storey side and rear extensions in relation to the first permission. The report also states that the development has an acceptable visual appearance when viewed from the street scene and when viewed from neighbouring gardens. I do not disagree. Its contemporary styling, including the vertical statement window to its front elevation, sits comfortable within the mixed character of its setting.

11. The first-floor extension approved in June 2022 was considered by the Council to have an acceptable relationship with the adjoining dwellings. The officer's report noted that the extension would be in close proximity to the neighbouring property but that it would not breach a 45-degree line when taken from the rearmost corner of No 30 and that given its orientation and scale, it would not have a significant impact upon the neighbours' sunlight, daylight, outlook or privacy. Conditions were imposed on the planning permission requiring the windows proposed to the side elevation to be obscure glazed and fixed shut below a height of 1.7m in order to safeguard the amenities of the neighbouring occupiers. The past decisions, specifically the second permission as far as it relates to the main issue in this case and which remained extant at the time of my visit, is a material consideration to which I attach significant weight.
12. The first-floor extension which has been undertaken is similarly contained within the footprint of the original dwelling. It is in fairly close proximity to No 30, but no closer than the previously approved scheme. The fenestration pattern in the side elevation facing No 30 is different to that approved but where three windows were originally proposed at first-floor level there are only two as constructed, one only small and at high level. The pitch and hipped form of the roof is as previously approved.
13. The planning application drawings include sections through the extended dwelling and illustrate the height of the roof as built, compared with the height previously approved. These are shown on Drg No 22007/6. The increase in height is shown to be 375mm. The appellants explain the difference is due to the insulation that was required to meet building regulations resulting in a build-up of the roof greater than was anticipated.
14. It is clear from the plans that the headroom within the new first-floor and loft space is not excessive nor exaggerated. I observed for myself the flank elevation of the dwelling to be conventionally two-storey in scale and appearance. I saw no exaggerated proportions including between ground floor window/door heads and first-floor window cills, or between first-floor window heads and the roof's eaves. I have no reason to doubt the appellants explanation for the difference between the height of the approved first-floor extension and its height as built.
15. The Council argues that the two-storey side and rear elevations of the development with the pitched roof over has created significant massing close to the boundary with No 30 which is both overbearing and incongruous. The increase in height above that previously approved is negligible and in my judgement has contributed little, if anything, to any increased mass. The flank and rear elevations of No 29 appear proportionate and entirely residential in scale, form and bulk. No 30 sits lower than the appeal property due to the topography of the area. No 29, as extended, sits undeniably taller in relation to No 30 and its two-storey scale is exaggerated by its elevated position when seen from the neighbouring plot. However, the marginal difference between the approved scheme, considered acceptable in terms of proximity and scale, and the scheme as built, has not

significantly altered the relationship between both properties. The officer's report offers no objective analysis of the development in comparison to the approved scheme. Neither does it offer any analysis of the relationship between both buildings.

16. No 30 is to the south side of the appeal site and is set on a skew in relation to the appeal property due to the curvature of Fallowfield, with its rear elevation orientated towards the splayed common boundary between both properties. Although No 30 has a much shallower floor plan compared with the appeal property, the two-storey rear wall of No 29 projects only marginally beyond the neighbouring property's rear elevation and, as established, does not breach a 45-degree line projected across the appeal site from the corner of the neighbouring dwelling. Much of the side elevation of No 29 is set forward of No 30 and is angled away from the neighbouring dwelling's flank wall. Moreover, whilst it has been stated by the Council that the appeal property is in close proximity to No 30, I observed it actually sits a reasonable distance back from the common side boundary. I have not been directed to any specific conflict with the Council's guidelines for residential development, as contained within their *Design and Layout Guidance for Householder Development Supplementary Planning Document*. Neither have I been provided with any substantive evidence to demonstrate how the extended dwelling at No 29 impacts the living conditions at No 30 by reason of visual intrusion, dominance or overbearing impact. From my own observations I do not consider that to be the case.
17. Overall, I am satisfied that the development is not harmful to the living conditions at 30 Fallowfield. As such, there is no conflict with Policy CS1 of the Harrow Core Strategy (2012) as far as it requires development to respond positively to its local context, or Policy DM1 of the Harrow Development Management Policies, adopted in 2013, which more specifically requires development to maintain a high standard of amenity for neighbouring occupiers. I equally find no conflict with the similar requirements of The London Plan 2021 Policy D3.

Other Matters

18. I have noted issues raised by some neighbouring occupiers. Matters relating to impact from the development upon the character and appearance of the area has been referenced above.
19. I note concern expressed over how the development has evolved as an amalgamation and alternative version of previous permissions. These are material considerations that carry weight in the decision process. But it is also the case that the Council considered the planning application on its own merits. I have considered the appeal likewise.
20. There is no evidence before me to suggest that any trees felled at the appeal site have been done so unlawfully.
21. The first-floor windows to the rear elevation of the dwelling face towards, and provide an outlook over, the rear garden of the appeal property in a conventional manner. I am satisfied that there is no degree of outlook from these that impacts the levels of any neighbours' privacy in any significant way. My findings here reflect those of the Council.

22. Issues of any covenants affecting the site are not relevant to the planning merits of the case.

Conditions

23. As the development has already taken place, I have no reason to impose the standard time limit permission, plans condition, or a condition relating to materials, as suggested by the Council.
24. I have considered the conditions that were imposed upon the two previous permissions and imposed versions of those that sought to control the installation of future flank windows, the glazing fitted to existing flank windows, and use of the roof over the extension, all necessary in order to safeguard the living conditions of adjoining occupiers.

Conclusion

25. For the reasons given above, the appeal is allowed.

John D Allan

INSPECTOR