



Appeal Decision

Site visit made on 8 July 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/M5450/W/25/3362989

33 Glanleam Road, Stanmore, Harrow HA7 4NW

- 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 Kerai against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/3095/24.
 - The application sought planning permission for the demolition of dwelling; re-development to provide a detached two storey dwelling with basement level and habitable roof space (1 x 5 beds); front and rear dormers; photovoltaic panels on crown roof; raised patio with steps to rear; EV charging point; parking; amenity space; hard and soft landscaping; bin / cycle storage, without complying with a condition attached to planning permission Ref PL/2599/24, dated 15 November 2024.
 - The condition in dispute is No 2 which states that: *"The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1478/P/1, 1478/P/2, 1478/P/3, 1478/P/4, 1478/P/5, 1478/P/6, 1478/P/7, 1478/P/8, 1478/P/9, CIL Additional Information - 20th September 2024, CIL Self Build Exemption Part 1 Claim - 20th September 2024, CIL Assumption of Liability - 20th September 2024, Palladium Consulting Engineers - Basement Impact Assessment - July 2024, ASW Ecology Ltd - Preliminary Ecological Assessment - July 2024, GHA Trees - Tree Survey & Arboricultural Impact Assessment - 24th July 2024, GHA Trees - Arboricultural Impact Assessment - Sept 2024, GHA Trees - Tree Constraints Plan - Sept 2024, GHA Trees - Tree Protection Plan - Sept 2024"*.
 - The reason given for the condition is: *"For the avoidance of doubt and in the interests of proper planning"*.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant seeks to demolish the existing dwelling at the site and construct a detached two-storey dwelling of a different design to that approved. At the time of my site visit, initial works were being undertaken with site clearance, the removal of windows and other internal works, although the existing dwelling had not been demolished.
3. The main issue is the effect that varying the condition and the revised design would have upon the living conditions of the occupants of the neighbouring dwelling at 35 Glanleam Road, with particular reference to outlook and daylight.

Reasons

4. The dwelling that is now proposed on the site would be similar in scale and design to that approved as a two-storey property. The revisions propose an additional

section at first floor level above part of the approved flat roof ground floor off shoot to the side and rear, adjacent to the boundary with 35 Glanleam Road (No 35).

5. The proposal would increase the overall two-storey depth and height of the dwelling close to the boundary with No 35, which is a bungalow. The existing dwelling features a two-storey rear off shoot with a much lower ridge height than its main roof towards the side boundary with No 35. As approved, the two-storey part of the new dwelling would occupy a similar footprint to the existing dwelling in the area closest to the boundary with No 35. However, the new proposal would effectively square off the dwelling at first floor level, infilling the approved set back in this area.
6. The bungalow at No 35 features larger openings in the rear elevation that is set back and sited closest to the appeal site. The approved site layout plan indicates the two-storey element of that scheme would not breach a 45-degree line taken from the corner of No 35, which reflects the advice in the Supplementary Planning Document Residential Design Guide (2010) (the SPD).
7. Planning permission has previously been granted for the demolition and redevelopment of No 35, which the Council's officer report states was extant at that time. If that dwelling were constructed, the horizontal 45-degree line relative to the revised scheme would not be breached. At the time of my visit, No 35 did not appear to be occupied and some openings were boarded up. However, in addition to what I was able to observe at my visit, there is nothing in the evidence to suggest that development at No 35 has commenced to implement the permission. There is limited information before me to indicate the permission remains extant, or that the development would take place even if it was. My assessment is therefore based on the circumstances at the time of my visit, and I cannot be certain that the development approved at No 35 would take place.
8. The revised proposal would increase the overall height and bulk of the new dwelling, including a larger expanse of roof, in close proximity to the boundary with No 35. The appellant does not dispute that the revisions to infill the approved setback at first floor level would breach the 45-degree angle to No 35. Consequently, this would result in a much more overbearing form of development with a significant detrimental impact in terms of outlook for the neighbouring occupants. Due to the increased scale at first floor level and the position of the proposed development, there would also likely be an adverse impact for those occupants in relation to daylight to the nearest rooms. Given the current L-shaped layout of No 35, the proposal would also add to a greater sense of enclosure for its occupants.
9. The appellant suggests that any impact would be mitigated due to separation and landscaping. Given the siting of the new dwelling closer to the boundary of No 35 than the existing dwelling and the increased height and bulk close to the bungalow, there would not be sufficient separation between the two properties to adequately mitigate the identified harm. The approved and proposed landscaping layout plans show that existing trees to the boundary of the appeal site and No 35 would be removed, whilst a grassed area is proposed in the narrow strip to the side of the new dwelling. This would not mitigate the adverse effects of the increased scale of the development. There is also nothing further before me to suggest that a suitable landscaping scheme could be achieved to mitigate the harm.

10. I conclude that varying condition 2 to revise the design of the proposed development would be harmful to the living conditions of the occupants at No 35 with regard to outlook and daylight. It therefore conflicts with Policy D3 of The London Plan, The Spatial Development Strategy for Greater London (2021) and Policy DM1 of the Harrow Council Development Management Policies (2013). Amongst other things, these seek to ensure that development delivers appropriate outlook and amenity, and resist proposals that would be detrimental to the amenity of neighbouring occupiers. It would also conflict with the SPD. The reason for refusal refers to Policy CS1 of the Harrow Core Strategy (2012), although I do not find this to be determinative to this main issue as it relates to local character.

Other Matters

11. I note the appellant's comments that the appeal property is currently uninhabitable, as well as reference to larger developments in the area and aims for the most cost-effective method for construction. However, these matters or any other raised, do not outweigh the harm I have identified or alter my conclusion on the main issue.
12. Where the proposal has been found by the Council to be acceptable in other respects, and noting that the principle of development for a replacement dwelling has been established through the existing permission, these are neutral matters that do not weigh either in favour of nor against the development.

Conclusion

13. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR