



Appeal Decision

Site visit made on 24 July 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th August 2025

Appeal Ref: APP/M5450/W/25/3364251

37 London Road, Harrow HA1 3JJ

- 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 Kurt Buhagiar against the decision of the Council of the London Borough of Harrow.
- The application Ref is PL/0019/25.
- The development proposed is a single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 37 London Road, Harrow HA1 3JJ in accordance with the terms of the application, Ref PL/0019/25, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings 4D-531 E00, 4D-531 P01, 4D-531 P02 and 4D-531 P03.

Preliminary Matters

2. A new local plan for Harrow is emerging (the Emerging Plan). The evidence before me indicates that the Emerging Plan has completed its Regulation 19 Consultation. There is no evidence before me which indicates to me that it is not still in the process of being examined. Therefore, the content of the Emerging Plan could still be subject to change. In the circumstances, although there are policies of the Emerging Plan before me, they are a matter of limited weight in my decision.
3. The appeal site is situated within the Sudbury Hill Conservation Area and Toll Gate Cottage, a grade II listed building, is located nearby. As a result, in making my decision, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Background and Main Issues

4. The Council's objections to the proposed development are set out within its reason for refusal, which is itself informed by the Council's delegated report. The Council's objections concern the effects of the proposed extension upon the living conditions of neighbouring occupiers, and it is clear that those concerns relate to the occupiers of 2 different properties.
5. One of those properties is described by the Council as Nos 39/41 London Road. This description relates to the ground floor flat which adjoins the host property (No 37 London Road) to the south. Given the placement of door numbers, I expect that

the ground floor flat to the south is No 39. For the avoidance of doubt, however, in my main issues set out below, I refer to this property as the ground floor flat to the south.

6. The Council are also concerned with the effects of the proposed development on the garden on the opposite side – to the north. This is associated with the first floor flat above No 37. The Council has not identified its address though, given what I saw on site, I expect it is No 35. Again, for the avoidance of doubt, I simply refer to this garden in my main issues below as being the garden adjacent to the appeal site to the north.
7. Given this background, my main issues are:
 - The effects of the proposed development upon the living conditions of the occupiers of the ground floor flat to the south, with specific reference to their outlook; and
 - The effects of the proposed development upon the garden adjacent to the appeal site to the north, with specific reference to the outlook and light afforded to the occupiers of that garden.

Reasons

The ground floor flat to the south

8. With a depth of 3 metres (m), and the top of its flat roof being a little over 2.5m from ground level, both the proposed extension's height, and its projection from the back of the existing property, would be modest.
9. No 37 is served by an existing single storey rear extension. This is identified on the plans as a living/dining room. Since the proposed extension would extend from this, I accept that, upon completion of the proposed development, the combined projection from the back of the original property would be significant. However, the ground floor flat to the south is also served by an existing single storey rear extension. Therefore, the overall projection which would be constructed beyond it, and the 3-paned window serving it, would be quite considerably less.
10. The Council asserts that this degree of projection beyond the 3-paned window would, nevertheless, result in its 45 degree code being breached. When assessing privacy and amenity effects, Policy DM 1 of the Harrow Council Development Management Policies Document 2013 (the DMPD) advocates the application of this 45 degree code, but when relevant. The 45 degree code itself is explained in full within the Council's Residential Design Guide Supplementary Planning Document 2010 (the SPD).
11. In respect of householder development, the SPD is clear at paragraph 6.31 that the horizontal plane element of the 45 degree code is to be applied in relation to first floor or two storey front and rear extensions. Paragraph 6.32 then sets out that the vertical plane element of the 45 degree code applies in relation to side extensions.
12. A single storey rear extension is proposed in this case. Therefore, the SPD does not advocate the application of the 45 degree code. Consequently, I find that the 45 degree code is essentially irrelevant in this case, and to place any meaningful

weight upon the proposal's degree of conformity with it would represent a misconstrue of the manner in which Policy DM 1 and the SPD operate.

13. Being of a 3-paned design, the nearest window within the ground floor flat to the south is large. This will assist in maximising the availability of views from the accommodation its serves over the flat's garden, especially in the more south-easterly orientated directions.
14. Within the back garden of the ground floor flat to the south, a tree/bush is positioned close-by to the 3-paned window, and it runs alongside the shared boundary with the appeal site. Given its position, this will already be having a strong enclosing effect to the north-east of the 3-paned window, and on areas of the garden, especially when it is in full leaf. Furthermore, this landscape feature screens areas of No 37's back garden beyond the living/dining extension – the area where the extension is proposed.
15. I am mindful that there is the potential for the proposed extension to affect this tree/bush including a requirement to cut back any overhanging elements to facilitate the build. However, I have no compelling evidence before me that the landscape feature will not endure.
16. Therefore, in respect of effects upon the ground floor flat to the south, I have identified that the 45 degree code is essentially irrelevant. Although it would be affixed to another, I have identified that the depth of the proposed extension itself would be modest, as would its height. Furthermore, the 3-paned window within the ground floor flat to the south is designed to maximise outlook. Finally, an existing landscape feature on the shared boundary already has an enclosing effect, whilst retention of it would, in any case, screen and filter views of the proposed extension.
17. Consequently, there are aspects of the design of the proposed extension, and of the site and its surroundings, which mean that the effects of the proposal upon the occupiers of the ground floor flat to the south would be moderated, and the proposed development would not form an overbearing or dominant feature. Therefore, the effects of the proposed development upon the living conditions of those occupiers, with specific reference to their outlook, would be acceptable.
18. As a result, the proposal complies with Policy DM 1 of the DMPD which, amongst other matters, sets out that proposals that would be detrimental to the privacy and amenity of neighbouring occupiers will be resisted. I also find that the proposal complies with the guidance contained within the SPD which, overall, seeks to ensure a consistently high standard of design and layout in residential development within Harrow, including by ensuring that the effects of developments upon the amenity of neighbouring occupiers is acceptable.

The garden adjacent to the appeal site to the north

19. Although it is narrow, especially in parts, the garden adjacent to the appeal site to the north is long and, overall, it is spacious. The proposed extension would not be sited right on the boundary with the garden. Instead, it would have a set-back from it. With its 3m depth, the proposed extension would also not flank a significant proportion of the garden.

20. Both the northern and east-facing elevations of the extension would be largely glazed. Therefore, the design of the elevations of the proposed extension more orientated towards the garden to the north means that they would have a more limited visual weight and mass.
21. In its guidance in relation to the effects of extensions upon neighbouring gardens, I note that the SPD places emphasis on those areas of gardens which are to the immediate rear of the properties they serve. However, in this case, the garden to the north is accessed via a staircase. A clearly defined enclave of the garden with the likes of patio doors or French doors opening onto it is not present. Instead, the make-up of the garden is quite consistent throughout: it is largely hard-surfaced.
22. Therefore, there is nothing about the character of areas of the garden closer to the siting of the proposed extension that is particularly vulnerable, nor liable to be used more extensively than other areas. Indeed, on the contrary, given that the garden broadens out at its more eastern extremity, the areas farther from the proposed extension could well be the more attractive for occupants.
23. For these reasons, I find that the proposed extension would not form an overbearing or dominant feature when viewed from the garden adjacent to the appeal site to the north. The outlook of the garden's occupiers would be sufficiently preserved.
24. Since this garden is positioned to the north of the appeal site, development within the appeal site has the potential to limit light, including sunlight. However, given the dimensions of the extension, and factoring in the proximity and location of the likes of existing built form, means of enclosure and the large protected tree within No 37's garden, the garden to the north will already be affected by shading. I find that the change in circumstances which would arise in respect of light levels within the neighbouring garden to the north would not be especially pronounced nor unacceptable.
25. Therefore, the effects of the proposed development upon the garden adjacent to the appeal site to the north, with specific reference to the outlook and light afforded to the occupiers of that garden would be acceptable, and, again, the proposal complies with the aforementioned and summarised Policy DMP 1 of the DMPD and the content of the SPD.

Other Matters

26. I find that the significance of the Sudbury Hill Conservation Area (the CA) as a whole principally stems from its architectural interest. This is largely a result of the collection of characterful and traditionally designed Victorian properties within it, the arrangement of its properties along the CA's winding roads and a verdant character created by its mature trees and more open areas.
27. The appeal site forms part of a characterful property group which exhibits some traditional architectural features. This is reflective of the CA as a whole, as is the large protected tree within the site. The appeal site's contribution to the significance of the CA as a whole is modest, but it is a positive one overall.
28. The significance of the grade II listed Toll Gate Cottage is also largely derived from its architectural interest: its distinctive features, such as its half-dormers and timber framework, as well as its considerable age.

29. As a single storey extension, the development proposed is not one of significant scale. The flat-roofed form is not very reflective of the existing roofscape. However, it assists in ensuring that the extension would adopt a low-slung and subordinate appearance. The extension is simply designed and apportioned and, overall, it would be a sympathetic addition to the property. Situated at the back of No 37, and facing a large rear garden with boundary enclosures, the proposed extension would adopt a quite secluded position, not a prominent one. This would allow for the proposed extension to assimilate discreetly into the CA. Therefore, I conclude that the proposed development would preserve the character and appearance of the CA as a whole, with no harm wrought upon it.
30. In combination, the degree of separation from Toll Gate Cottage, coupled with the aforementioned secluded position, also means that the proposed extension would preserve the listed building's setting with no harmful effects brought about upon its special architectural features and historic interest.

Conditions

31. The Council has not provided a detailed schedule of suggested conditions but have indicated that, in the event the appeal was allowed, that standard conditions would suffice. In compiling my schedule, I have borne this in mind, and I have had regard to the tests for the imposition of conditions set out within the National Planning Policy Framework and the content of the Planning Practice Guidance.
32. Condition 1 sets out the standard time limitation. Condition 2 is necessary to ensure that the proposed development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, Condition 2 will also ensure that the external materials cited on the plans are used in the construction of the development.

Conclusion

33. The proposed development accords with the development plan taken as a whole, and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed, subject to the conditions above.

H Jones

INSPECTOR