



Appeal Decision

Site visit made on 2 September 2025

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/M5450/C/24/3344333

44 Greenhill Road, Harrow, London HA1 1LE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Javier Melian Perez on behalf of IPM Personal Pension Trustees Limited against an enforcement notice issued by the Council of the London Borough of Harrow ('the Notice').
 - The notice was issued on 17 April 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of a front extension to the single storey building.
 - The requirements of the notice are: 5.1. Demolish the Unauthorised Development; 5.2. Make good any damage caused to the Host Property as a result of the above requirements and ensure that all materials used match those used in the Host Property; 5.3. Remove from the Land all materials and debris arising from compliance with the aforementioned requirements.
 - The period for compliance with the requirement is: 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by the deletion of 3 months and the substitution of 9 months as the period for compliance. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

2. The appeal site address given on the appeal form differed from that to which the Notice relates. However, as both parties' submissions clearly relate to the development at 44 Greenhill Road, I take this to be an administrative error and the appeal can continue on this basis without prejudice.

Ground (a) and the Deemed Application

3. An appeal made under Ground (a) is that planning permission ought to be granted for the breach of planning control alleged in the Notice.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, including the host property.

Reasons

5. Greenhill Road is a largely residential street that lies a short distance to the north of the commercial centre of Harrow on the Hill. The two are separated by

Greenhill Way, a busy road that runs around the north of the centre. The area to the north of Greenhill Way, in which the appeal site lies, is overwhelmingly residential in character. Greenhill Road is typical of this area, with dwellings set out in terraced and semi-detached form. Whilst a quite large block of flats has been constructed relatively recently, a short distance away on Greenhill Way, the appeal site is primarily seen in the context of the development in Greenhill Road.

6. Set between the dwellings, in places, are small buildings. The appeal property is one of these. Two other such buildings that I saw in the road, including that immediately adjacent to the appeal site, accommodate a pair of garages. The building that is the subject of the Notice differs, as its lawful use is for medical purposes.
7. The original building, omitting the extension that is referred to in the Notice, is roughly square in plan form, constructed of brick and set under a pyramidal roof clad in plain clay tiles. The evidence shows that it had a pair of doors facing onto Greenhill Road, and its design, form and materials reflect the development there. It is set at an angle to the footway on this side of the road and, as such, there was a small triangle of land between the front of the building and the rear of the footway.
8. The elevation onto Greenhill Road has been altered by way of an extension that has been built across the triangle of land. This has a pedestrian door at each end both of which have a lean-to roof running back to the front wall of the original building. I could not see the nature of the roof covering between the two doors, as there was a large advertisement for the surgery running along the top of the front wall of the extension. The whole of the extension had been constructed from timber that had been painted a dark grey colour. I could see that the top of the wall of the original building, facing the road, had been clad in timber with a similar finish.
9. Although having been built tight to the rear of the footway, as it is a small feature that is relatively low in height, the extension does not result in an overbearing feature. However, by reason of its design and materials, it is incongruous in the street scene and is at odds with the host building. It has the appearance of the sort of temporary timber screen erected around building sites or where alterations are being undertaken to properties. It would be inappropriate to grant permanent planning permission for the development, as is sought in the appeal.
10. Rather than responding positively to its surroundings, as is required by Policy D3 of the London Plan, March 2021, with that aim reflected in Policies DM1 and DM4 of the Council's Development Management Policies July 2013, the extension that has been built detracts from them and the host building. The latter policy also says that proposals that are detrimental to an area's character and appearance, as is the case here, will be resisted. The development is, therefore, contrary to these policies and those parts of the National Planning Policy Framework that relate to design.

Other matters

11. The Appellant says that an extension to the front of the property was shown on a plan that accompanied an application¹ made to the Council. However, I was not

¹ Council reference P/0637/21

given a copy of the application, nor the plan. In any event, from the Appellant's submissions, it appears that this was an application for a certificate of lawfulness for the use of the building rather than for the extension. In any event, without further details I can only give the matter very limited weight. I give similar weight to the fact that the building was bought as a self-invested pension purchase, providing an income for the Appellant's retirement.

12. I give greater weight in my assessment to the fact that the extension serves as the access to a medical surgery. However, given the harm that the extension causes, whether taken singly or cumulatively, these considerations do not outweigh the harm that I have identified.
13. It has been claimed by a third party that the use of the building was gained "by subterfuge". This is a matter for the Council, as I am assessing an appeal for an extension to the property rather than its use.

Conclusion on Ground (a) and the Deemed Application

14. For the above reasons, the Ground (a) case fails, and the deemed application is refused.

Ground (g)

15. The Appellant has not formally made a Ground (g) appeal. However, he did say that if the appeal went against him he would seek an extended period of time to make "a suitable planning application that will provide a means of access to the premises, having also a better compliance with the style and aesthetics of the street".
16. I have taken this as a 'hidden' Ground (g) case, where an Appellant seeks additional time to comply with the terms of a notice. The Council had an opportunity to comment on this but did not do so. In the circumstances, I see no reason to seek further comments on the matter.
17. I have found that the use of the building for medical purposes does not outweigh the harm that the extension causes to justify granting a permanent planning permission. However, the Appellant refers to the ill-effects that removing the extension without an alternative means of access would have on the use. I find that this provides sufficient weight to justify an extended time for compliance. The Appellant has not suggested a period. However, I find that the 3 months given in the Notice would be insufficient for the Appellant to make an application for planning permission for a suitable replacement and then construct it in a manner that minimised ill-effects on the building's use. Therefore, I shall extend the period for compliance to 9 months.

Conclusion

18. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Curnow

INSPECTOR