

## Quarterly (Calendar Year) Appeals Report

The Planning Service had received the following Appeal Decisions between December 30<sup>th</sup> 2022 and March 31<sup>st</sup> 2023.

### Summary of Appeal Decisions:

Item	Site Address	Planning Reference	Description of Development	Decision Type	Status and Costs
1	1, 3 and 5 Bacon Lane and Kilbys Industrial Estate, Bacon Lane, HA8 5AS	Appeal Ref: 3297090 LPA Ref: P/3522/21	Redevelopment to provide 23 houses; associated landscaping and parking; refuse storage without complying with a condition attached to planning permission p/3667/19 dated 11 March 2021.	Committee Refusal on 19.01.2022	Dismissed 03.01.2023
2	33 High View, Pinner, HA5 3PE	Appeal Ref: 3307006 LPA Ref: P/1762/22	Two-storey front extension, single storey side, single and two-storey rear extension, relocation of front door and external alterations, installation of 3 no. front rooflights and 1 no. on the side elevation.	Delegated Refusal on 08.07.2022	Dismissed 10.01.2023
3	14 Anglesmede Crescent, Pinner, HA5 5SP	Appeal Ref: 3306774 LPA Ref: P/2324/22	Single storey front extension incorporating porch; single and two-storey side to rear extension; single storey rear extension; Alterations to roof to form end gable rear dormer with Juliet balcony; three rooflights in front roofslope; raised patio; external alterations (retrospective).	Delegated Refusal on 12.08.2022	Appeal Allowed 10.01.2023
4	48 Canons Drive, Edgware, HA8 7QY	Appeal Ref: 3305566 LPA Ref: P/1013/22	New security grilles to front façade ground floor windows.	Delegated Refusal on 31.05.2022	Appeal Allowed 11.01.2023
5	13 and 14 Orchard Close, Edgware, HA8 7RE	Appeal Ref: 3299533 LPA Ref: P/4641/21	First floor side extensions and two storey rear extensions to both properties; rear dormer to each property; external alterations.	Delegated Refusal on 23.03.2022	Appeal Allowed 13.01.2023
6	Land at High Road, Weald Lane, Wealdstone, London, HA3 5EG	Appeal Ref: 3287882 LPA Ref: P/1859/21	Siting and appearance of a 20m monopole supporting 6 no. antenna, 2.No.transmission dishes, 2.No cabinets and ancillary development.	Delegated Refusal on 26.06.2021	Appeal Allowed 13.01.2023
7	294 Station Road, Harrow, HA1 2DX	Appeal Ref: 3295660 LPA Ref: P/4816/21	Two 1-bedroom self-contained units on existing first floor, and proposed second floor with mansard roof & cycle and refuse storage at ground floor.	Delegated Refusal on 01.02.2022	Dismissed 18.01.2023
8	Roxey, Brookshill, Harrow Weald, HA3 6RY	Appeal Ref: 3296465 LPA Ref: P/3636/21	loft conversion, front rooflight, two storey side extension and single storey rear extension.	Delegated Refusal on 25.02.2022	Dismissed 21.02.2023

<b>9</b>	39 Chestnut Drive, HA3 7DL	Appeal Ref: 3313971  LPA Ref: P/3491/22	Single storey front extension incorporating porch; single and two-storey side to rear extension incorporating covered access to side and first floor rear bay window, single storey rear extension; external alterations (demolition of attached garage).	Non-Determination	Withdrawn 21.02.2023
<b>10</b>	6 Old Hall Close, Pinner, HA5 4ST	Appeal Ref: 3313145  LPA Ref: P/3324/22	First floor rear extension.	Delegated Refusal on 15.11.2022	Appeal Allowed 21.03.2023
<b>11</b>	Briardene, 38 Cuckoo Hill, Pinner, HA5 2AJ	Appeal Ref: 3311837  LPA Ref: P/3156/22	Retrospective application for a hip to gable loft conversion.	Delegated Refusal on 08.11.2022	Appeal Allowed 13.02.2023
<b>12</b>	3 Chartwell Place, HA2 0HE	Appeal Ref: 3313031  LPA Ref: P/3140/22	Ground floor conservatory to the rear of the house and linked to the existing garage, conversion of part of the garage into habitable rooms and a ground floor extension to the converted garage with new windows, doors and rooflights to the converted garage.	Delegated Refusal on 20.10.2022	Appeal Allowed 20.02.2023
<b>13</b>	30 Melbourne Avenue, Pinner HA5 5SJ	Appeal Ref: 3309594  LPA Ref: P/2873/22	Alterations and extensions to raise roof height, front dormer, and side dormer to both sides.	Delegated Refusal on 29.09.2022	Dismissed 21.02.2023
<b>14</b>	12 Chestnut Drive, Pinner, HA5 1LY	Appeal Ref: 3286659  LPA Ref: P/2714/21	Loft conversion with rear dormer, hip to gable roof profile and front skylights.	Delegated Refusal on 24.08.2021	Appeal Allowed 02.03.2023
<b>15</b>	56 Uxbridge Road, Harrow Weald, HA7 3LW	Appeal Ref: 3311348  LPA Ref: P/2170/22	Single and 2 storey side to rear extension; alterations and extension to the roof to provide storage space; rooflights to the front, side and rear roof slopes; a front porch; relocation of the main entrance; a vehicle access; extensions and alterations to hardstanding; installation of a 2m high pedestrian gate and boundary fence to the side; and an outbuilding in the rear for use as storage/gym (demolition of detached garage and side entrance canopy).	Delegated Refusal on 16.09.2022	Appeal Allowed 13.02.2023
<b>16</b>	82 Sherwood Road, Harrow HA2 8AR	Appeal Ref: 3307507  LPA Ref: P/1655/22	Single storey rear extension.	Delegated Refusal on 05.07.2022	Appeal Allowed 02.02.2023
<b>17</b>	47 Hillview Road, Pinner, HA5 4PB	Appeal Ref: 3311271  LPA Ref: P/1568/22	Single storey side extension.	Delegated Refusal on 13.10.2022	Dismissed 10.02.2023

<b>18</b>	71 The Avenue, Hatch End, Pinner, HA5 4EL	Appeal Ref: 3312233  LPA Ref: P/1568/22	Rear extension.	Delegated Refusal on 08.09.2022	Appeal Allowed 13.02.2023
<b>19</b>	2 Andrews Close, Harrow HA1 3GE	Appeal Ref: 3303370  LPA Ref: P/0920/22  Costs Ref: 3303370	Single storey side extension to include covered seating area at the back.	Delegated Refusal on 28.04.2022	Appeal Allowed 03.03.2023  Costs Award Refused 03.03.2023
<b>20</b>	45 Cavendish Avenue, HA1 3RD	Appeal Ref: 3309878  LPA Ref: P/0401/22	Single and two storey side extension; first floor rear extension; single storey rear extension; external alterations; outbuilding at rear for use as gym / office (demolition of attached garage).	Delegated Refusal on 01/09.2022	Split- Decision 21.02.2023
<b>21</b>	Pinner Green Dental, 661 Uxbridge Road, Pinner, HA5 3LW	Appeal Ref: 3292310  LPA Ref: P/4510/20	Ground and first floor extension to a dental surgery	Delegated Refusal on 12.08.2021	Dismissed 25.01.2023
<b>22</b>	14 Chantry Road, HA3 6NT	Appeal Ref: 3314147  LPA Ref: P/3106/22	Single storey side to rear extension; external alterations.	Delegated Refusal on 20.10.2022	Dismissed 21.03.2023
<b>23</b>	4 Georgian Close, Stanmore, HA7 3QT	Appeal Ref: 3313806  LPA Ref: P/2958/22	The construction of 2 no rear dormer windows and the conversion of existing loft floorspace to provide additional residential accommodation.	Delegated Refusal on 10.10.2022	Dismissed 21.03.2023
<b>24</b>	John Lyon School, Middle Road, HS2 0HN	Appeal A: 3275231  LPA Ref: P/1813/19  Appeal B: 3281359  LPA Ref: P/2504/19  Appeal C: 3281360  LPA Ref: P/2092/21	Redevelopment to provide four storey teaching blocks; hard and soft landscaping; parking (demolition of existing building).  Planning obligation modified by amending the defined building envelope and inserting a clause to require demolition of existing Oldfield House.  Planning obligation discharged.	Committee Overturn on 18.11.2020  Delegated Refusal on 25.07.2019  Committee Refusal on 29.09.2021	Dismissed 27.03.2023  Dismissed 27.03.2023  Dismissed 27.03.2023

<b>25</b>	233 Cannon Lane, Pinner, HA5 1JB	Appeal Ref: 3309458  LPA Ref: P/2312/22	The construction a part ground and first floor rear extension.	Delegated Refusal on 16.08.2022	Dismissed 26.01.2023
<b>26</b>	Alden Mead 14 The Avenue, Hatch End, Pinner HA5 4ES	Appeal Ref: 3288178  LPA Ref: P/1890/21	Single storey roof extension providing 2 No. 1-bed flats.	Committee Refusal on 18.11.2021	Appeal Allowed 02.03.2023
<b>27</b>	16 Thistlecroft Gardens, Stanmore, HA7 1PN	Appeal Ref: 3304817  Costs Ref: 3304817  LPA Ref: P/1841/22/ PRIOR	Single storey rear extension	Delegated Refusal on 30.06.2022	Dismissed 23.03.2023  Costs Award A part allowed.  Costs Award B Refused 23.03.2023
<b>28</b>	98 Vernon Drive, Stanmore, HA7 2BL	Appeal Ref: 3304409  LPA Ref: P/1834/22	Extension and conversion of garage to form self-contained dwelling.	Delegated Refusal on 14,07.2022	Dismissed 23.02.2023
<b>29</b>	67 Wood End Avenue, HA2 8NT	Appeal Ref: 3294797  LPA Ref: P/0074/22	Certificate of Lawful Development (proposed): installation of garden annexe in rear garden for use incidental to the main dwelling (demolition of outbuilding)	Delegated Refusal on 07.03.2022	Withdrawn 26.01.2023
<b>30</b>	34-38 Pinner Road, HA1 4HZ	Appeal Ref: 3305179  LPA Ref: P/0058/21  Costs Ref: 3305179	Change of use of existing building to supported housing (Sui Generis).	Delegated Refusal on 25.05.2022.	Dismissed 24.03.2023  Costs Award Refused 24.03.2023
<b>31</b>	18 Compton Rise, Pinner, HA5 5HR	Appeal Ref 3300084:  LPA Ref: P/0896/22	Certificate of Lawful Use or development is sought is described in the application as hip to gable conversion, construction of box dormer on rear roof slope and two rooflights on front roof slope.	Delegated Refusal on 26.04.2022	Appeal Allowed 03.01.2023
<b>32</b>	9 Caddis Close, Stanmore, HA7 3TL	Appeal Ref: 3306553  LPA Ref: P/0225/22	Part retrospective single storey front extension; Single storey side and single and two storey rear extension; Infilling of lower ground floor at rear and single storey side extension at lower ground floor; Connecting wall, access platform, terraces and steps between the main dwelling and two storey outbuilding (garage/utility) on lower ground and ground floor level; External alterations.	Delegated Refusal on 29.07.2022	Dismissed 01.03.2023

<b>33</b>	8 Orchard Close, Edgware HA8 7RE	Appeal Ref: 3303307  LPA Ref: P/2843/18	Breach of planning control.	Enf Notice 20.06.2022	Split Decision 02.03.2023
<b>34</b>	Former Oakleigh Nursing Home, 10 Oakleigh Road, Hatch End, HA5 4HB	Appeal Ref: 3299782  LPA Ref: P/0030/22	Demolition of former care home (class C2) and redevelopment of the site to provide 8 x 2 bed residential units (class C3) along with associated landscaping, ancillary works, closure of existing access points and formation of new vehicular access point from Oakleigh Road is refused.	Non- Determinati on	Dismissed 24.01.2023
<b>35</b>	Bromefield, Stanmore, HA7 1AA	Appeal Ref: 3310151  LPA Ref: P/2750/22	Double storey wraparound extension, new front porch, roof alterations including loft conversion. (The proposed design is coordinated with a proposed design for No.3 Bromefield in order to achieve similar massing and appearance, including matching ridge heights.	Delegated Refusal on 21.09.2022	Appeal Allowed 31.03.2023

### Summary of Appeal Decisions:

- 1. 1, 3 and 5 Bacon Lane and Kilbys Industrial Estate, Bacon Lane, HA8 5AS (Appeal Ref: 3297090)**
  - 1.1. The appellant sought a varied planning permission which would include the erection of additional rear dormers to 10 houses.
  - 1.2. The main issues for consideration in this appeal is effect that varying the condition would have on the living conditions of the occupants of nearby properties with reference to their privacy, and/or whether or not planning obligations are necessary to make the development acceptable and, if so, whether or not any necessary agreements have been entered into.
  - 1.3. The inspectorate observed the location of the development as predominantly residential to include some industrial to the south, properties in the area being generally served by spacious plots with large rear gardens.
  - 1.4. On the topic of living conditions, the inspectorate observed that no windows would be placed any closer to neighbouring properties or materially different property relationships would be created than what has already been established under the current planning permission, concluding that there would be no significant loss of privacy or increases in overlooking for adjacent occupants, and living conditions would be preserved. However, the inspectorate made the observation that Policy D1 of the London Plan 2021 which the Council had cited, was not especially pertinent to living conditions because it primarily focuses on undertaking area assessments and preparation of development plans for London boroughs.
  - 1.5. Regarding planning obligations, the inspectorate pointed out that P/3667/19's planning permission had been subject to a Section 106 agreement, and it has not been demonstrated to him that the revised scheme at issue in this appeal would not also need those obligations to be sealed through a varied agreement. Establishing that no such amended Section 106 agreement has been secured, as a result, the necessary commitments have not been fulfilled.
  - 1.6. The inspectorate came to the conclusion that while the development would have acceptable effects upon the living conditions of the occupants of nearby properties in accordance with Policy CS1 of the Core Strategy (2012) and Policy DM1 of the Local Plan (2013), in the absence of a complete Section 106 agreement renders the development as a whole

unacceptable in light of earlier requirements secured and Section 106 of the Town and Country Planning Act 1990 (as amended).

## **2. 33 High View, Pinner, HA5 3PE (Appeal Ref: 3307006)**

- 2.1. The appellant sought a two-storey front extension, single storey side, single and two storey rear extension, relocation of front door and external alterations, installation of 3 no. front rooflights and 1 no. on the side elevation.
- 2.2. The main issues for consideration in this appeal includes the effect of the proposed development upon the character and appearance of the host dwelling and upon the surrounding area.
- 2.3. The inspectorate observed that this detached, two-story property was situated in a well-established, and high-quality residential area. The inspectorate recognised that design and appearance of dwellings varied from one plot to the next, however stated that No. 33 and its neighbour No.31 form a symmetrical pair featuring strong Arts and Crafts influences in their original design, which provide a positive contribution to the street scene via careful attention to detail and strong architectural character.
- 2.4. The inspectorate took note of the case made by the appellant that alterations to No.31 in support of the proposal. However, pointed out that those alterations had not unduly interfered with the original property's design quality or the significance of the roof form as an Arts and Crafts-influenced design.
- 2.5. The inspectorate concluded that the extent and bulk of the proposed development would, cumulatively, subsume the original built form to an unacceptable degree and fail to harmonise with the existing building or its neighbour (No.31) and harm both the character and appearance of the host dwelling and, thereby, of the area. As such, the development proposal conflicts with Policy CS1 of the Core Strategy (2012) and Policy DM1 of the Local Plan (2013) and the councils Residential Design Guidance SPD (2010)

## **3. 14 Anglesmede Crescent, Pinner, HA5 5SP (Appeal Ref: 3306774)**

- 3.1. Pursuant to an enforcement investigation, the appellant sought retrospective permission for a single storey front extension incorporating porch, a single and two-storey side to rear extension, a single storey rear extension, and alterations to roof to form end gable rear dormer with juliet balcony and three rooflights in front roofslope with a raised patio and external alterations.
- 3.2. The main issues for consideration in this appeal includes the effect of the development on the character and appearance of the host dwelling.
- 3.3. The inspectorate took note of the case made by the appellant that what had been built is the result of seeking to implement roof alterations addressed by a Certificate of Lawfulness ("COL") in combination with a permitted two-storey side extension and single storey front extension which, as approved, incorporated a hipped roof form extending from the main roof of the dwelling . The COL related to a rear dormer with a hip to gable roof extension which has, as implemented, curtailed the opportunity to complete the hipped roof form in the 2018PP by the introduction of a gable.
- 3.4. The appellant referred to written advice for the sequencing of these works made by the LPA before to the start of the works, which they purported to have followed. The Council responded

to a question on the implementation of both the COL and the 2018PP on June 28<sup>th</sup>, 2019, stating in clear terms that *'they can be both built lawfully (providing) the (COL) is completed before the (PP2018) is completed.'* In contrast, the Council's position in relation to the appealed matter was that *'both these applications (sic) have been implemented on site'* going on to reason: *'Therefore the development has not been implemented in accordance with planning permission P4662/18'*; presumably by reference to condition 2 of that permission and its versions of the named drawings, which presented replicated numbers.

- 3.5. The inspectorate observations that the works permitted by the 2018PP have been implemented and are all-but-complete notwithstanding the inconsistency in the roof form brought about by the prior implementation of the works identified in the COL. He continues by stating any harm resulting from the identified inconsistency with the approved plans should be given little weight based on his views of what is seen on site, taking into account the surrounding pattern of development and a wide range of alterations and extensions.
- 3.6. On the topic of enforcement, the inspectorate emphasised that the LPA ought to have responded to the suspected planning control breaches proportionately as the appellant clearly intended to prevent such an infringement as they had, through previously sought advice from the Council in good faith. In essence, he asserted that it is not reasonable for them to deal with the consequences of acting on that advice as if it had not been given because doing so created confusion regarding the position in which the appellant found himself.
- 3.7. The inspectorate concluded that he found no conflict with Policy DM1 of the Harrow Development Management Local Plans Policies (2013) and Supplementary Planning Document: Residential Design Guide (2010).

#### **4. 48 Canons Drive, Edgware, HA8 7QY (Appeal Ref: 3305566)**

- 4.1. The appellant sought permission for new security grilles to front façade ground floor windows.
- 4.2. The main issues for consideration in this appeal includes the effect of the development on the character and appearance of the Canons Park Conservation Area.
- 4.3. On the topic of character and appearance, the inspectorate drew attention on the Council's view that the proposal is 'unsympathetic to the special character of the building', however, remarked that it is not clear what that special character (of the building) might be.
- 4.4. The inspectorate commented that while the white fixing plates do help to identify the presence of the grilles by creating some visual confusion, the change made to No. 48's appearance is otherwise minimal. The security grilles have been designed so that their white metal bars line up with the glazing bars of the windows behind them, and that only three ground-floor windows have grilles installed. Therefore, any reservations about a (cumulative) urbanising effect would be justified only had grilles were to be installed on additional windows.
- 4.5. Furthermore, the inspectorate observed that the impact on the Conservation Area's character and appearance would be minimal if the fixing plates were overpainted in a fitting colour, making the grilles almost unnoticeable to the public realm. Further emphasising that this approach compliments the objectives of the Article 4 Directive in order to avoid harm to the character and appearance (of a conservation area) that would result from cumulative change to the buildings within.
- 4.6. The inspectorate concluded that, subject to condition, as to the colour of the fixing plates, he found no conflict with Policies DM1 or DM7 of the Harrow Development Management Policies

Local Plan (2013), the identified CA Management Strategy, or duty set out within Section 72 of the Listed Building Conservation Areas Act 1990.

**5. 13 and 14 Orchard Close, Edgware, HA8 7RE (Appeal Ref: 3299533)**

- 5.1. The appellant sought permission for a first-floor side extensions and two storey rear extensions to both properties; rear dormer to each property; external alterations.
- 5.2. The main issues for consideration in this appeal includes the effect of the proposal on the character and appearance of the area with regard to i) the design of the proposal and ii) protected trees.
- 5.3. On the topic of design, the inspectorate commented that altered roof pitch would not undermine the continuity of the street scene, especially since there was variety in dwelling design and roof forms in the street. That the proposed side extensions he considered would not subsume or erode the existing built form or alter the spacious character of the appeal site or the surrounding area, and that the proposed two storey rear extension he found subservient in scale in relation to the large appeal properties, which themselves are set within spacious plots, and is of a design which is consistent with the character and appearance of the host properties.
- 5.4. The inspectorate then went onto express that the special interest and the character and appearance of the Conservation Area would not be compromised because of the proposed extensions and alterations, continuing to preserve the character and appearance of the Conservation Area. Furthermore, that the setting of the listed buildings is confined to the park therefore the setting of the listed buildings would also be preserved by the proposal.
- 5.5. The inspectorate concluded that the proposed extensions would not have a harmful effect on the character and appearance of the appeal site or the Conservation Area, therefore no conflict with the National Planning Policy Framework (2021), the aims of Policy D3 from The London Plan (2021), Policy CS1 of the Harrow Core Strategy (2012) or Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013).
- 5.6. On the topic of protected trees, the inspectorate accepted that the Council was unable to determine if there would be any harm to these trees since the tree report was lacking. However, it was determined that the harm would be minimal given the siting and scale of these trees as well as their limited impact on the appearance and character of the Conservation Area. Furthermore, even if tree protection measures were ineffective, any amenity value which these particular trees provide could still be adequately achieved through further planting. As a result, he had appended a condition requiring details of existing and proposed landscaping to complement the tree protection requirement.
- 5.7. The inspectorate concluded that the above element of the proposal accords with the aims of Policy G7 from The London Plan (2021), and Policies DM1 and DM22 from the Harrow Development Management Policies Local Plan (2013) and with the Canons Park Conservation Area Appraisal and Management Strategy (2013).

**6. Land at High Road, Weald Lane, Wealdstone, London, HA3 5EG (Appeal Ref: 3287882)**

- 6.1. The appellant sought prior approval for the siting and appearance of a 20m monopole supporting 6 no. antenna, 2 no. transmission dishes, 2 no cabinets and ancillary development.



- 6.2. The main issues for consideration in this appeal were the relevant provisions under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.
- 6.3. The appellant contended that the development is necessary to replace telecommunications equipment serving the area which, as a result of proposed redevelopment at the site is set to be removed. The appellant provided information on existing and predicted mobile telecommunications coverage in the vicinity of the appeal site, with their coverage plans indicating that on removal of the existing installation at Maison Alfont coverage would be reduced significantly with a high probability of dropped or missed calls. The appellants coverage plans also identified a significant improvement in 4G and 5G coverage were the proposal to go ahead.
- 6.4. The inspectorate commented that the resultant restricted coverage and capacity in the area would be inadequate to the needs of local businesses and the community. It would also be contrary to Framework's emphasis on extending and futureproofing digital connectivity in order to ensure that communities can benefit from economic growth and greater social inclusion. Concurring with the view of the appellant that there is a need for a replacement facility within close proximity to the existing site and also hold that it is reasonable that any new site should provide similar or improved coverage to that which is currently in place.
- 6.5. The inspectorate also found the appellant's evidence in respect of their search and assessment of alternative sites to be robust.
- 6.6. The inspectorate took into account concerns raised over potential health risks. However, commented that the appellant had provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP), and that there was no substantive evidence to suggest that the ICNIRP guidelines would not be met, and therefore a departure from the approach within The Framework would not therefore be justified.
- 6.7. The inspectorate also commented on concerns raised over the effect of the proposal on two oak trees which are under a Tree Preservation Order. However, commented that the Arboricultural Report prepared by ACS Consulting dated October 2021 stated that the proposed equipment would be located outside the root protection areas and canopies of these trees and holds that the proposal could be carried out without causing harm to the protected trees.
- 6.8. The inspectorate concluded that although he had identified that the proposal would cause harm to the character and appearance of the area, due to the proposed location of the development, intervening screening and the nearby commercial area along High Road he found this harm to be relatively localised. Moreover, he recognised the benefits associated with improved communications infrastructure within the area which would not otherwise be achieved.
- 6.9. The inspectorate concluded that subject to any relevant exception, limitation or condition, the proposal falls in accordance with the provisions of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) and guidance within The National Planning Policy Framework (2021).

**7. 294 Station Road, Harrow, HA1 2DX (Appeal Ref: 3295660)**

- 7.1. The appellant sought permission for two 1-bedroom self-contained units on existing first floor and proposed second floor with mansard roof & cycle and refuse storage at ground floor.
- 7.2. The main issues for consideration in this Appeal is the effect of the proposed development upon the character and appearance of the area, whether the proposed development would provide suitable living conditions for future occupiers with regard means of access and the standard of accommodation with specific regard to internal space and whether the proposed development would make adequate provision for the storage of refuse, and the effect of the proposed development upon flood risk.
- 7.3. On the topic of character and appearance, the inspectorate recognised that the proposed development would incorporate a flat roof extension incorporating flat roof dormer projections. The inspectorate then went onto express that the roof extension would represent a significant addition to the building and would occupy the entirety of the existing flat roof space.
- 7.4. Concluding that the proposed roof extension, due its height and design, would appear as a prominent feature and would interrupt the rhythm of the terrace to a significant degree. This would erode the strength of positive character that currently exists contrary to Policies D3(1) and D3(11) of The London Plan 2021, Policy CS1.B of the Harrow Core Strategy (2012), and Policy AAP2 of the Harrow and Wealdstone Area Action Plan (2013), and Policies DM1.A and DM1.B of the Harrow Development Management Policies Local Plan (2013).
- 7.5. On the topic of living conditions, the inspectorate expressed that access to the appeal site would not be inviting, giving rise to the fear of crime. In terms of proposed standards of accommodation, the inspectorate was not convinced that ceiling height standards of 2.5m across 75% of the proposed floorspace could be achieved, especially since there was no evidence before him that would demonstrate that this would be the case.
- 7.6. The inspectorate concluded that the proposed development would fail to provide to suitable for living conditions for future occupiers with regard to means of access, and the standard of accommodation contrary to Policies D3 and D6 of The London Plan 2021, Policy CS1 of the Harrow Core Strategy (2012), and Policy AAP, AAP2 and AAP3 of the Harrow and Wealdstone Area Action Plan (2013), and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).
- 7.7. The inspectorate also went onto express that no demarcation or separation of bin storage space is proposed, and so, the possibility of waste relating to the residential properties becoming mixed with commercial waste from any ground floor commercial use would exist. This in turn conflicts with Policy D3 of The London Plan 2021, and Policies DM1 and DM35 of the Harrow Development Management Policies Local Plan (2013).
- 7.8. On the topic of flooding, it was accepted that the appeal site lies within Flood Risk Zone 3A, and the requirements to provide a site-specific flood risk assessment were acknowledged, which were absent. Therefore, the inspectorate concluded that it was not possible to assess the effect of the development upon flood risk, accordingly the proposal would be contrary to Policy SI12 of The London Plan 2021, and Policies DM9 of the Harrow Development Management Policies Local Plan (2013), and Policy CS1 of the Harrow Core Strategy (2012).

**8. Roxey, Brookshill, Harrow Weald, HA3 6RY (Appeal Ref: 3296465)**

- 8.1. The appellant sought permission for a loft conversion, front rooflight, two storey side extension and single storey rear extension.
- 8.2. The main issues for consideration in this Appeal is whether the proposal would be inappropriate development in the Green Belt, the effect of the proposed development on the openness of the Green Belt, the character and appearance of the existing property and the surrounding area and effect of the proposal on the living conditions of the occupiers of the neighbouring property at Wykenham in Brookshill, with particular reference to outlook, daylight and sunlight and whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
- 8.3. The inspectorate acknowledged that the proposed extensions would more than double the size of the original building, whether calculated by volume, floorspace or footprint, which would substantially exceed a 30% increase. Concluding the development proposal to constitute inappropriate development in the Green Belt, under paragraph 147 and 149(c) of the Framework.
- 8.4. The inspectorate drew attention to the Councils Residential Design Guide (2010), in particular guidance on the design of first floor and two-storey side extensions to detached and semi-detached properties. Here, the inspectorate highlighted the effect of the proposed development in extending the house substantially across the width of the plot and closing up the gap at the side of the house which he felt would fail to respect the space around the existing property and its contribution to the street scene in this part of Brookshill, contrary to Policies D3 and D(1) of The London Plan (2021), Policy CS1.B of the Harrow Core Strategy (2012) and DM1 of the Harrow Development Management Policies (2013), or Paragraph 130(c) of the Framework.
- 8.5. On the topic of living conditions, the inspectorate concluded that the appeal proposal would cause unacceptable harm to living conditions of the occupiers of Wykenham, with particular reference to outlook, daylight and sunlight. Consequently, and be contrary to Policies D3 and D(7) of the London Plan (2021) and Policies DM1 of the Harrow Development Management Policies (2013), as well as paragraph 130(f) of the Framework.

**9. 39 Chestnut Drive, HA3 7DL (Appeal Ref: 3313971)**

- 9.1. The Appeal had been withdrawn by the appellant on February 20<sup>th</sup>, 2023 following the Councils grant of LPA Ref: P/4400/22 for “*Single storey front extension incorporating porch; single and two storey side to rear extension; first floor rear bay window; single storey rear extension; external alterations (demolition of attached garage)*” on February 24<sup>th</sup>, 2023.

**10. 6 Old Hall Close, Pinner, HA5 4ST (Appeal Ref: 3313145)**

- 10.1. The appellant sought permission for a first-floor rear extension.
- 10.2. The main issues for consideration in this Appeal is the effect of the proposed development on the character and appearance of the dwelling.
- 10.3. The inspectorate recognised that the dwelling has already been extended significantly with a two-storey extension front, side and rear extension, however, acknowledged that proposals would be sited on the rear elevation. The inspectorate concluded that certain aspects would

not be seen clearly from the street and given the high surrounding hedges of the property and would only be seen clearly from its rear garden.

- 10.4. The inspectorate concluded the proposal as being a well-designed extension which respects the scale and character of the existing house in accordance with Policies D3, D(1) and D(11) of the London Plan (2021), and Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the of the Council's Development Management Policies (2013) together with the Councils SPD entitled 'Residential Design Guide' (2010).

## **11. Briardene, 38 Cuckoo Hill, Pinner, HA5 2AJ (Appeal Ref: 3311837)**

- 11.1. The appellant sought retrospective permission for a hip to gable loft conversion.
- 11.2. The main issues for consideration in this Appeal is the effect of the proposal on the character and appearance of the local area.
- 11.3. The inspectorate acknowledged that the extension does not meet some of the requirements from the Council's "Residential Design Guide" SPD (2010), but ultimately concluded that, subject to the requirement that a new side window have obscure glazing to protect neighbours' privacy, the proposal would fit in reasonably well with the prevailing pattern of development, which he felt did not harm the area's character or appearance. Therefore, in accordance with aims of Policy D3 of The London Plan (2021), Policy CS1(B) of the Harrow Core Strategy (2012), and Policy DM1 of Harrow Council Development Management Policies (2013), the Councils SPD entitled 'Residential Design Guide' (2010). and the National Planning Policy Framework.

## **12. 3 Chartwell Place, HA2 0HE (Appeal Ref: 3313031)**

- 12.1. The appellant sought retrospective permission for a ground floor conservatory to the rear of the house and linked to the existing garage, conversion of part of the garage into habitable rooms and a ground floor extension to the converted garage with new windows, doors and rooflights to the converted garage.
- 12.2. The main issues for consideration in this Appeal is whether the proposal would preserve or enhance the character or appearance of the Roxeth Hill Conservation Area and the setting of listed buildings and the effect on living conditions at 4 Chartwell Place next door, in terms of the impact on outlook and light.
- 12.3. On the topic of character and appearance, the inspectorate noted that even though the enlarged building would be somewhat longer than usual for an outbuilding, it would be discreetly positioned such that only a small portion of Chartwell Place could see it. Further contending that those views wouldn't be intrusive because they would be viewed in the context of other development and a tall evergreen hedge.
- 12.4. The inspectorate continued to note that the proposal would fit comfortably on the plot, be subordinate in scale to the dwellings due to its modest height, yet retain enough garden space to prevent it from drastically altering the open character of Chartwell Place, representing a design and material use which blend in well with the existing building.
- 12.5. The inspectorate agreed with views of the Conservation Area Advisory Committee who raised no objection to the proposal and concluded his position by expressing it complied with Policy D3 and HC1 of The London Plan (2021), Policy CS1(B) of the Harrow Core Strategy (2012), and Policies DM1 and DM7of Harrow Council Development Management Policies (2013),

Councils SPD entitled 'Residential Design Guide' (2010), and the National Planning Policy Framework.

12.6. The inspectorate noted that the proposed garage extension is placed well away from this neighbouring house and is only directly adjacent to a small area of its expansive garden when it came to the living conditions concern. In addition, the extension would be the same height as the garage, which is a low single-story building. Acknowledged that there would be a small negative impact on No 4's garden's outlook and a small amount of additional overshadowing, but these effects would be negligible and well within acceptable bounds. The inspectorate concluded, subject to conditions imposing matching materials, the proposal complied with Policy D3 of The London Plan (2021), and Policy DM1 Harrow Council Development Management Policies (2013), Councils SPD entitled 'Residential Design Guide' (2010).

**13. 30 Melbourne Avenue, Pinner HA5 5SJ (Appeal Ref: 3309594)**

13.1. The appellant sought permission for alterations and extensions to raise roof height, front dormer, and side dormer to both sides.

13.2. The main issues for consideration in this Appeal is the effect of the proposed development upon the existing building and the character and appearance of the locality.

13.3. The inspectorate highlighted the requirements under Policy CS1(B) of the Harrow Core Strategy (2012) which seeks that new development responds positively to the local and historic context in terms of design, spacing, density and siting which reinforces positive attributes of local distinctiveness. Additionally, Policy DM1 of the Harrow Development Management Policies Local Plan (2013) which also seeks to establish high quality design that has regard to massing, bulk, scale and height and their relationship to the surrounding layout.

13.4. The inspectorate observed that front dormer windows are not found on the front roof planes of dwellings within this location and would not form part of the characteristics of this particular locality. In this particular case the dormer windows would add clutter to the roof and would not reflect the positive and established characteristics of the locality.

13.5. The inspectorate took note of the case made by the appellant that the raising of the ridge height would not be immediately obvious, the inspectorate disagreed and stated it would be obvious, that the increased ridge height would give the dwelling a 'top-heavy' appearance where the height from the eaves to the ridge would be disproportionate to the wall height, and together with the elongated crown roof would accentuate the massing and visual bulk of the building which would have an incongruous and disproportionate appearance within the street scene.

13.6. The inspectorate summarised that the proposed extensions when combined would result in the loss of positive characteristics and would be clearly disproportionate and the additional visual bulk and massing contrary to requirements under Policy CS.1(B) of the Harrow Core Strategy (2012), and Policies DM1(A), DM1(B) (a), (b) and (c) of the Harrow Development Management Plan (2013) and Policy D3 (D(1) and (11)) of The London Plan (2021).

**14. 12 Chestnut Drive, Pinner, HA5 1LY (Appeal Ref: 3286659)**

14.1. The appellant sought a Certificate of Lawful Use or development for a loft conversion with rear dormer, hip to gable roof profile and front skylights.

- 14.2. The main issues for consideration in this Appeal is whether the Council's refusal to grant the Lawful Development Certificate was well founded.
- 14.3. The inspectorate cited the Council over the assessment on the height of the eaves of the rear extension, as built, exceeds the height of the eaves of the existing dwellinghouse and therefore fails to satisfy the criteria at Schedule 2, Part 1, Class A.1 (d) of the GPDO. However, the inspectorate, from he/her observations of reading of the plans and during his site visit, the eaves of the existing rear extension do not exceed the height of the eaves of the existing dwellinghouse. Therefore, the development does not fail to meet the limitation under Paragraph A.1 (d) of Schedule 2, Part 1, Class A of the GPDO.
- 14.4. The inspectorate cited the Council over the proposed dormer failing to maintain or reinstate the eaves of the original roof and therefore the proposal fails to satisfy the criteria at Schedule 2, Part 1, Class B.2 (b)(i)(aa) of the GPDO. However, the inspectorate, from he/her observations commented that the plans illustrate that the eaves of the original roof would be maintained and the development does not fail to meet the limitation under Paragraph B.2 (b)(i)(aa) of Schedule 2, Part 1, Class B of the GPDO.
- 14.5. The inspectorate concluded by expressing that there is no dispute that the proposed development would adhere to all other limitations and conditions set out under Classes A, B and C of the GPDO, and he/her found no reason to disagree with these findings that there is no conflict against the relevant limitations and conditions of Article 3, Schedule 2, Part 1, Classes A, B and C of the GPDO.

**15. 56 Uxbridge Road, Harrow Weald, HA7 3LW (Appeal Ref: 3311348)**

- 15.1. The appellant sought permission for a single and 2 storey side to rear extension; alterations and extension to the roof to provide storage space; rooflights to the front, side and rear roof slopes; a front porch; relocation of the main entrance; a vehicle access; extensions and alterations to hardstanding; installation of a 2m high pedestrian gate and boundary fence to the side; and an outbuilding in the rear for use as storage/gym (demolition of detached garage and side entrance canopy).
- 15.2. The main issues for consideration in this Appeal is effect on the character and appearance of the local area.
- 15.3. The inspectorate highlighted the requirements under the Council's Residential Design Guide Supplementary Planning Document (2010), which advises that side extensions to semi-detached houses should be set back by at least a metre from the front wall at first floor level to avoid creating a terracing effect. It does allow, however, that the lack of a setback can be justified in certain circumstances, including where the flank wall would be at least a metre from the side boundary or where there is open space to the side.
- 15.4. The inspectorate commented that in this case, the proposed extension's first floor front wall would only be set back marginally, but the 2 criteria above would both be more than met since there is a substantial width of garden and open space to the side, and that the new two-storey section would stretch well to the rear of the existing house, together with the use of a hipped roof at the back would help to keep it from being overly dominant in the street scene. In this comparatively spacious situation and open setting the extension would not overdevelop the plot or appear out of scale.
- 15.5. The inspectorate concluded by expressing that the proposal would be well designed to avoid harm to the character and appearance of the local area, which subject to a materials condition, confirmation of plans and restriction of use of flat roofed areas, the proposal adhered with

Policy D3 of The London Plan (2021), Policy CS.1(B) of the Harrow Core Strategy (2012), and Policy DM1(A), DM1 of the Harrow Development Management Plan (2013).

**16. 82 Sherwood Road, Harrow HA2 8AR (Appeal Ref: 3307507)**

- 16.1. The appellant sought permission for a single storey rear extension.
- 16.2. The main issues for consideration in this Appeal is effect of the proposal on the living conditions at 84 Sherwood Road ('No 84'), with particular regard to outlook.
- 16.3. The inspectorate observed that whilst No 84 has a nearby rear-facing ground floor habitable room window, and a side-facing kitchen window in its outrigger, the extension's roof would slope down towards the boundary, and the part abutting it would be just 2.45 metres high, and thus not much taller than the existing fence. The inspectorate also added that, whilst the proposed extension would be clearly visible from No 84's closest ground floor rear and side-facing windows, its height and bulk would be limited, and it would not have an overbearing impact.
- 16.4. The inspectorate concluded, that subject to condition on use of specified materials, accordance with plans and a condition removing permitted development rights for windows or doors in its flanks which he believed necessary the proposal would not conflict with Policy D3(7) of the London Plan (2021) or that of Policy DM1 of the Harrow Development Management Policies (2013) or with guidance under The National Planning Policy Framework (2021).

**17. 47 Hillview Road, Pinner, HA5 4PB (Appeal Ref: 3311271)**

- 17.1. The appellant sought permission for a single storey side extension.
- 17.2. The main issues for consideration in this Appeal is the effect of the proposed development on the character and appearance of the host property and the area.
- 17.3. The inspectorate observed that the front face of this scheme with the existing side to rear extension, would be wider than the original house, and their footprint would be broadly similar to it. Consequently, whilst this scheme by itself would be modestly proportioned, considered cumulatively, the extensions would not appear subordinate to the original house, and the resultant property would have an unduly elongated, horizontal form.
- 17.4. Additionally, the inspectorate commented that the proposed extension would significantly close the gap to 45 Hillview Road, and its corner would project forward of the corner of that property. Consequently, allowing for the curvature of the highway, it would breach the fairly consistent building line on this side of the road.
- 17.5. The inspectorate concluded that the proposal, would dominate the host property, whose original form and proportions would be overwhelmed, and its siting would not reflect the prevailing pattern of development in the area contrary to Policy D3 Parts D1) and D11) of the London Plan (2021) or that of Policy DM1 of the Harrow Development Management Policies (2013) and Policy CS1.B, and Harrow Development Management Policies (2012) and It would also conflict with the National Planning Policy Framework requirement for good design which is sympathetic to local character; and with the Harrow Residential Design Guide Supplementary Planning Document (2010).

**18. 71 The Avenue, Hatch End, Pinner, HA5 4EL (Appeal Ref: 3312233)**

- 18.1. The appellant sought permission for a rear extension.
- 18.2. The main issues for consideration in this Appeal is the effect of the proposed on the character and appearance of this part of The Avenue and the living conditions at the neighbouring property 73 The Avenue.
- 18.3. On the topic of character and appearance, the inspectorate observed that this modestly sized extension would largely fit into the L-shaped form at the back of the house so would not extend the building much further to the rear, and that it would be almost entirely out of public view. Concluding that the proposal would be well designed to avoid any harm to the character and appearance of this part of The Avenue in keeping with the shared aims of Policy D3 of The London Plan (2021), and Policy CS1.B, and Harrow Development Management Policies (2012), Policy DM1 of the Harrow Development Management Policies (2013) and Harrow Councils Residential Design Guide Supplementary Planning Document (2010) as well as The National Planning Policy Framework (2021).
- 18.4. On the topic of living conditions, the inspectorate observed that the extension would be a comparatively small structure and there would be a significant gap to the neighbouring house, No 73. Although the extension would stretch over 8m to the rear of No 73, it would only appear just over a metre above the existing boundary enclosure.
- 18.5. Subject to imposition of a condition specifying the relevant plans to provide certainty and a condition requiring the use of matching materials and a further one preventing the use of the flat roof as a roof terrace and removing normal permitted development rights to install side windows, the inspectorate concluded that the proposal would fall in keeping with the shared aims of Policy D3.D(7) of The London Plan (2021), and Policy DM1 of the Harrow Development Management Policies (2013) and Harrow Councils Residential Design Guide Supplementary Planning Document (2010) as well as The National Planning Policy Framework (2021).

**19. 2 Andrews Close, Harrow HA1 3GE (Appeal Ref: 3303370, Costs Ref:)**

- 19.1. The appellant sought permission for a single storey side extension to include covered seating area at the back.
- 19.2. The main issues for consideration in this Appeal is the impact of the proposal upon character and appearance of the area.
- 19.3. The inspectorate took into account the Council's concerns about the perception of a new front door and the impression of a new separate dwelling, which might have a minor impact on the legibility of the streetscene being made up of separate dwellings. However, the inspectorate indicated that the wider area is very diverse in its architectural style, in which there is a great mix of both style and articulation of dwellinghouses, and a site visit revealed several extensions or side garage structures that contain doors accessing onto the front of the property.
- 19.4. The inspectorate went onto further emphasise that the cul de sac of St Andrews Close is well shielded from much of the area and as such the actual impact of a new, sensitively designed doorway, would not cause undue harm to the character and appearance of the area, concluding that the proposal adhered with requirements of Policies D3 (D1 and D(11)) of the London Plan (2021), the Core Strategy CS1 (B) of the Harrow Core Strategy (2012), and



Policy DM1 of the Harrow Development Management Policies Local Plan (2013) as well as Harrow Councils Residential Design Guide Supplementary Planning Document (2010).

- 19.5. On the topic of costs, the appellant was aggrieved primarily due to the allegation that the planning case officer failed to give due care and attention to the assessment of the case. This was alleged to be largely due to the case officer being on holiday and thereby not having the time or capacity to fully consider the original planning application or to offer enough reasoning or justification to refuse the application on design and character grounds.
- 19.6. The inspectorate concluded that, in their view, it appeared that the delegated report was actually thorough in its detail and consistent in its regard of relevant policies. The case officer confirms that he attended site to inspect the property, at least externally, which he considered shows some consideration. Moreover, the inspectorate considered that the reasons for refusal were credible in terms of the Council's opinion.
- 19.7. The inspectorate concluded on this matter by expressing, the fact they found against the Council in this matter does not demean the credibility of the argument put forth, however and they were unable to obtain any sense that due care or attention was lacking or that the assessment of the application was rushed. The application for award of costs against the Council was refused.

## **20. 45 Cavendish Avenue, HA1 3RD (Appeal Ref: 3309878)**

- 20.1. The appellant sought permission for a single and two storey side extension; first floor rear extension; single storey rear extension; external alterations; outbuilding at rear for use as gym/office (demolition of attached garage).
- 20.2. The main issues for consideration in this Appeal is the effect of the proposed side and rear extensions upon the existing building and the character and appearance of the locality and the living conditions of No.47 Cavendish Avenue, with particular regard to access to light, and sense of enclosure.
- 20.3. On the topic of character and appearance, the inspectorate observed that the proposal would extend the already elongated roof form to the boundary and would further accentuate the asymmetry of the existing roof form which would present as an awkward extension to the existing pair of semi-detached dwellings and to the greater locality. Further citing that the erosion of much of the visual gap would also remove the key gaps and spaces in and around the dwelling, and would create a poor relationship to the existing buildings within the street scene.
- 20.4. In conclusion of this matter, the proposed two storey side, first floor and ground floor rear extensions would not be a subservient alteration which would result in the loss of visual gap and be detrimental to the character and appearance of the existing building and the greater locality, contrary to Policies D3 (D(1) and (11)) of the London Plan (2021), the Core Strategy CS1 (B) of the Harrow Core Strategy (2012), and Policy DM1 A, DM1 B (a), (b) and (c) of the Harrow Development Management Policies Local Plan (2013) as well as Harrow Councils Residential Design Guide Supplementary Planning Document (2010).
- 20.5. On the topic of living conditions, the inspectorate agreed with the appellant with regards to there being no adverse detriment cause by loss of light and overshadowing, further highlighting that this would not outweigh the detriment caused with regards to sense of enclosure and outlook. As such, the proposed scheme would be contrary to Policies D3.D(7) of the London Plan (2021), and Policy DM1 of the Harrow Development Management Policies

Local Plan (2013) as well as Harrow Councils Residential Design Guide Supplementary Planning Document (2010).

- 20.6. The inspectorate further noted that the Core Strategy Policy CS1 was cited as a reason for the refusal. This policy deals with place shaping and housing delivery, neither of which appear to be related to the evaluation of living conditions and are, therefore, irrelevant to the consideration of this issue.
- 20.7. The inspectorate pointed out that the Council in their Planning Officer Report state that the rear outbuilding would be appropriate and in accordance with the Development Plan Policies. The inspectorate had no reason to dispute this, and given that this element
- 20.8. The inspectorate drew attention to the fact that the Council stated in the Planning Officer Report that the rear outbuilding would be suitable and consistent with the Development Plan Policies. The inspectorate had no reason to contest this, and he concludes that a split decision would be a reasonable outcome given that this element can be both functionally and physically severable from the side and rear extensions, a split decision is considered a suitable outcome in his opinion, subject to condition (matching materials), the appeal should succeed in relation to the rear outbuilding, however, in relation to the side and rear extensions, the appeal should be dismissed.

## **21. Pinner Green Dental, 661 Uxbridge Road, Pinner, HA5 3LW (Appeal Ref: 3292310)**

- 21.1. The appellant sought permission for a ground and first floor extension to a dental surgery.
- 21.2. The main issues for consideration in this Appeal is the effect of the proposed development upon the character and appearance of the area, the living conditions of existing nearby occupiers with regard to light and outlook, the impact upon a protected tree, and the effect of the proposal upon the safe and efficient operation of the highway network.
- 21.3. The appellant submitted revised drawings that attempted to address the reasons for the refusal. Proposals cannot be altered during the appeals process, the inspectorate noted, citing the Procedural Guide to Planning Appeals England. The guidelines are explicit that amendments intended to address refusal reasons should normally be examined through new applications. Therefore, the inspectorate had determined the appeal in accordance with the plans and information that the Council had considered when making its decision on which all parties had been consulted, taking into consideration the Wheatcroft Principles, and in the interests of fairness.
- 21.4. On the topic of character and appearance, the inspectorate observed that the development would be highly visible and over-dominant within the street scene on account of its substantial forward projection. This would be compounded by the building occupying almost the entire frontage with limited space around it. The inspectorate went onto further comment that the proposal would be noticeable from several private and public vantage points appearing as an unduly awkward, prominent and dominant feature detracting from the character and appearance of the local area, contrary to Policies D1, D3 and D5 of the London Plan (2021), the Core Strategy CS1 of the Harrow Core Strategy (2012), and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).
- 21.5. On the topic of living conditions, the inspectorate commented that the proposed extension would have a significant adverse impact on the living conditions of the occupiers of ground and first floor apartments by virtue of loss of light and outlook due to its position along the boundary and its projection. Further citing that It would be an overbearing feature creating a sense of enclosure, not just to the nearest window but to both openings in the front of the

apartments serving habitable spaces, contrary to Policy D3 of the London Plan (2021), Policy CS1 of the Harrow Core Strategy (2012), and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

- 21.6. In respect of the protected tree, the inspectorate shared the same concerns as the Council in regard to its contents and that such matters could not be adequately addressed through the imposition of conditions. This element of the proposal fell contrary to Policies G7 of the London Plan (2021), and Policy DM22 of the Harrow Development Management Policies Local Plan (2013).
- 21.7. In respect of safe and efficient operation of the highway network, the inspectorate expressed concern over its accessibility, and usable. Further citing that no information has been provided in relation to management of the parking area or swept path diagrams to demonstrate the functionality of the parking area, contrary to Policy T6 of the London Plan (2021), and Policy DM42 of the Harrow Development Management Policies Local Plan (2013).

## **22. 14 Chantry Road, HA3 6NT (Appeal Ref: 3314147)**

- 22.1. The appellant sought permission for a single storey side to rear extension and external alterations.
- 22.2. The main issues for consideration in this Appeal is the effect of the proposed development on the living conditions of the existing and future occupiers of the dwelling in terms of garden space.
- 22.3. The inspectorate observed that the projection of the adjoining property and the close proximity of the rear boundary, the extension would also have an enclosing effect on the remaining garden area and this would result in a poor outlook from the garden.
- 22.4. The inspectorate drew attention to the Council's SPD on 'Residential Design Guide' (2010) which requires that extensions should not exceed 50% of the rear garden area. The inspectorate cited that the proposal is certainly close to this figure but whether it exceeds it is not material in this case.
- 22.5. Concluding that by reason of its size and siting and the specific site circumstances, the proposal would fail to provide a reasonable area and quality of outside space for the occupiers. I conclude that this would significantly harm the living conditions of the existing and future occupiers of the dwelling and the proposal is contrary to Policy D3 D(7) of the London Plan (2021), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and Policy CS1 of the Harrow Core Strategy (2012).

## **23. 4 Georgian Close, Stanmore, HA7 3QT (Appeal Ref: 3313806)**

- 23.1. The appellant sought permission for the construction of 2 no rear dormer windows and the conversion of existing loft floorspace to provide additional residential accommodation.
- 23.2. The main issues for consideration in this Appeal is the effect of the proposed development on the character and appearance of the dwelling and the street scene.
- 23.3. The inspectorate observed that the raising of the ridge height can be clearly seen from the street and the difference in height between the appeal dwelling and the other three would be clearly perceived. The proposed eastern side elevation shown as C on the plans, when viewed from the eastern end of the cul-de-sac would be noticeably bulkier and its steeper pitch and asymmetrical form would appear contrived and at odds with the other roof forms in this group.

23.4. The inspectorate concluded that, the proposed roof alterations are significant and overriding. And whilst acknowledging the appellant's need for additional accommodation for their growing family, that does not outweigh the wider, public harm that would be caused. Concluding that the proposal falls contrary to Policy D3 D(1) and D(11) of the London Plan (2021), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and Policy CS1 B of the Harrow Core Strategy (2012).

**24. John Lyon School, Middle Road, HS2 0HN (Appeal A Ref: 3275231, Appeal B Ref: 3281359, Appeal C Ref: 3281360)**

24.1. Hearing held on December 6<sup>th</sup>, 2022, Decision Issued March 27<sup>th</sup>, 2023.

24.2. The appellant sought permission under Appeal A the redevelopment to provide four storey teaching block; hard and soft landscaping; parking (demolition of existing building).

24.3. The appellant sought permission under Appeal B to have the planning obligation modified by amending the defined building envelope and inserting a clause to require demolition of existing Oldfield House.

24.4. The appellant sought permission under Appeal C to have the planning obligation discharged.

24.5. In each of the appeals, the main issue was as follows:

- Appeal A - The effect on the character and appearance of the area, with particular regard to the sites location within the Harrow on the Hill Village Conservation Area.
- Appeal B - The acceptability of the proposed modification of the planning obligation, to amend the defined building envelope.
- Appeal C - Whether the planning obligation continues to serve a useful purpose.

24.6. Appeal A - The location of the new building would emphasise its scale and height at this sensitive location. The building would be a visually overly dominant feature. Would appear as a discordant feature, out-of-scale with other townscape features in the CA. In agreement with the Committee overturn, the inspectorate agreed that the proposal would have a harmful effect on the character and appearance of the area, including the Harrow on the Hill Village Conservation Area. In conflict with policies CS1 and CS3A of the Harrow Council Core Strategy (2012) and policies DM1, DM6 and DM7 of the Harrow Council Development Management Policies (2013). There would also be conflict with policies D4 and HC1 of the London Plan (2021).

24.7. Appeal B - Modify the planning obligation, principally to amend the building envelope defined within it. Inspectorate considered that the planning obligation should continue to have effect without modification and Appeal B fails.

24.8. Appeal C - Discharge the existing planning obligation in its entirety. Inspectorate considered that as it stood, it continues to serve a useful purpose and accordingly it should not be discharged. Appeal C therefore fails

**25. 233 Cannon Lane, Pinner, HA5 1JB (Appeal Ref: 3309458)**

- 25.1. The appellant sought permission for the construction a part ground and first floor rear extension.
- 25.2. The main issues for consideration in this Appeal is the effect of the proposed development on the character and appearance of the host property.
- 25.3. The inspectorate observed that the proposal would involve the replacement of the rear gabled projection with a first-floor extension, given its form and proportions, and its rearward projection in this elevated position across part of the host's original rear face, it would have a bulky and dominant appearance, and it would be markedly at odds with the style and design of the original property. Concluding that the proposal fell contrary to Policy D3 Parts D1) and 11) of the London Plan (2021), Policy DM1 Parts A) and B) of the Harrow Development Management Policies Local Plan (2013) and Policy CS1 B of the Harrow Core Strategy (2012).
- 25.4. The inspectorate took note of the appellants arguments in reference to extensions at 2 and 4 Wimborne Drive, however, commented that he had no details of those properties' planning histories, and in any event those examples do not address this scheme's poor design. The inspectorate also dismissed the appellants concerns regarding the Council's handling of his application, citing that he had dealt with the scheme before me on its planning merits, and against relevant policies and guidance.

**26. Alden Mead 14 The Avenue, Hatch End, HA5 4ES (Appeal Ref: 3288178)**

- 26.1. The appellant sought permission for a single storey roof extension providing 2 No. 1-bed flats.
- 26.2. The main issues for consideration in this Appeal is the effect of the proposal on the character and appearance of the area; and on the living conditions of nearby residents, particularly those within 12 The Avenue (No.12) with regard to outlook and sunlight.
- 26.3. The inspectorate cited that original planning application was refused by the Council contrary to the advice of officers and that he had not been provided with a statement of case by the Council to support this position.
- 26.4. On the topic of character and appearance, the inspectorate observed that the modelling of the proposed roof, in combination with modest dormers, and the external facing materials, would break the visual massing of the new storey, leaving him satisfied that the proposal would not appear over-dominant in relation to either Sandy Lodge or No.12. The inspectorate went onto further express that the fenestration of the proposed roof extension would be articulated appropriately to match the existing building, and the proposed and existing window positions would align. The proposed balconies would also reflect those on the host property and cladding materials to be used are commonly associated with roofing and dormers. Concluding these aspects of the proposal to accord with Policy D1 of the London Plan (2021), the Core Strategy Policy CS1 of the Harrow Core Strategy (2012), and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).
- 26.5. On the topic of living conditions, namely in terms of the potential of being overlooked from the new development, the inspectorate observed that the facing elevation already contains six side facing windows, the two additional windows, serving a kitchen in each case, with their greater height and consequential restricted angle of view would make direct overlooking difficult. In his opinion, the proposal would not result in an increased loss of privacy.
- 26.6. The inspectorate went on to further express that, sufficient separation would exist to accommodate the increased height of the building and the proposed rear facing windows

without undue loss of privacy or outlook. In addition, the new balcony would be screened to the side to restrict potential for overlooking. The same considerations would apply to the front aspect of the proposal, and the proposal would retain acceptable levels of privacy for the occupiers of neighbouring premises.

- 26.7. The inspectorate concluded by expressing that the proposed layouts replicate the layout of existing homes below and would provide good living accommodation and storage for future occupiers, and that the provision of private balcony space in combination with the communal garden, he does not consider would be unreasonably compromised, and are suitable for the proposed scale and type of development.
- 26.8. Subject to imposition of additional conditions, requiring agreement on how the works are to be undertaken, the inspector is imposing conditions securing agreement on materials of construction, protection of trees, communal television apparatus and refuse storage in the interests of amenity.

**27. 16 Thistlecroft Gardens, Stanmore, HA7 1PN (Appeal Ref: 3304817, Costs Ref: 3304817)**

- 27.1. The appellant sought prior approval for a single storey rear extension.
- 27.2. The main issues for consideration in this appeal were whether prior approval was required for a rear extension under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order), and the effect of the proposed development on the amenity of the occupiers of No 14 Thistlecroft Gardens.
- 27.3. The inspectorate commented that, from the evidence and her findings on site, owing to the already extended nature of No 18 at the rear, the position and scale of an existing outbuilding within the appeal site and the siting of the proposed extension away from the shared boundary, the proposal would not harm the living conditions of occupiers of No 18 Thistlecroft Gardens.
- 27.4. However, she went on to further cite that a 6-metre-deep extension at the overall height of around 3 metres as proposed, positioned on the shared boundary with the un-extended neighbouring dwelling at No 14 would result in harm to the neighbouring occupiers from a loss of outlook, and enclosing effects. The inspectorate went on to express that she considers the fence to be visually dominant and even if the extension did not project as far as the end of the highest fence panels, its greater bulk and solidity would still create a tunnel effect when viewed from the neighbouring dwelling and upper garden area.
- 27.5. The inspectorate went on to conclude, having particular regard to outlook, that the proposal would harm the living conditions of the occupants of No 14 Thistlecroft Gardens, though not expressly relevant to a prior approval application, the proposal would therefore fail to comply with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).
- 27.6. The inspectorate described the second reason for refusal, which concerned the combination of the proposed extension with an existing outbuilding in relation to the parameters detailed within the Order. This reason was incorrectly inserted, according to the Council, as the inspectorate noticed, thus wasn't considered a main issue in the appeal.
- 27.7. On the topic of costs, the appellant indicated and alleged that the Council had failed to confirm how the living conditions of No 14 Thistlecroft Gardens would be affected, with a lack of meaningful assessment of the scheme. Seconded by the erroneous second reason for refusal relating to the cumulative effects of the extension and existing outbuilding was also raised.

- 27.8. The Council submitted a response to the appellants claim for costs and included a counter claim on the basis that the Applicant has submitted numerous applications for similar proposals, including three that have been refused and dismissed at appeal, further highlighting that two further prior approval applications have been refused during the processing of this fourth appeal on the same site.
- 27.9. The inspectorate concluded that, in her view, the Council's case is sufficiently well explained in the submitted officer's report and I do not consider that the key reason for refusal is vague or lacks substance. Furthermore, it does not appear that the Council has wholly relied on the assertion that the closest window in the neighbouring property serving a kitchen is 'protected' under the Harrow SPD entitled 'Residential Design Guide' (2010) to justify the unneighbourly impacts that would arise.
- 27.10. Despite the above, the Council had since acknowledged that the second reason for refusal was an error. Regardless of the suggestion by the Applicant that this was likely to have been deliberate, I find that its inclusion has put the Applicant to wasted expense. Therefore, the costs of the appeal relating to this particular reason for refusal were unnecessary and the Applicant should be entitled to recover them.
- 27.11. The application for award of costs against the Council was partly allowed in exercise of the powers under Section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 (as amended).

**28. 98 Vernon Drive, Stanmore, HA7 2BL (Appeal Ref: 3304409)**

- 28.1. The appellant sought permission for the extension and conversion of garage to form self-contained dwelling.
- 28.2. The main issues for consideration in this Appeal is the effect the development would have on the character and appearance of the surrounding area; whether the development would provide acceptable living conditions for future occupiers, with particular reference to privacy, amenity space, bin storage and cycle storage; and the effect on the living conditions of occupiers of the host property, with particular reference to privacy.
- 28.3. On the topic of character and appearance, the inspectorate observed that the proposed alterations to the front elevation would be prominent in the street scene and involve two new windows and the replacement of the garage door with a front entrance door. The inspectorate went onto further express that the proposed flat roof bungalow and its positioning at a right angle to the host property would combine to make the new dwelling contrast with other dwellings in this section of the street scene.
- 28.4. The inspectorate went onto stipulate that the proposal, would appear to be an incongruous addition to the host site and at odds with the prevailing character and appearance of the area contrary to Policy D3 (11) of the London Plan (2021), the Core Strategy Policy CS1.B of the Harrow Core Strategy (2012), and Policy DM1 of the Harrow Development Management Policies Local Plan (2013) as well as Harrow Councils Residential Design Guide SPD (2010).
- 28.5. On the topic of living conditions, the inspectorate observed that the front elevation directly abuts the open space, and there was no option to provide screening or a boundary treatment to provide privacy. Therefore, these windows would not allow for sufficient privacy and so would fail to provide acceptable living conditions for future occupiers, contrary to Policy D3(7) and D6 of the London Plan (2021), and Policies DM1, DM26 and DM27 of the Harrow Development Management Policies Local Plan (2013) as well as Harrow Councils Residential Design Guide SPD (2010).

28.6. The inspectorate took note of the case made by the appellant of the benefits of the proposed development in providing a windfall contribution towards the housing land supply within the Borough. The inspectorate concluded that the benefit of one additional house in an accessible location is limited by the scale of development, likewise, the wider economic benefits during the construction phase are limited, but nevertheless carry modest weight in favour of the development.

**29. 67 Wood End Avenue, HA2 8NT (Appeal Ref: 3294797)**

29.1. The Appeal had been withdrawn by the appellant on January 26<sup>th</sup>, 2023 following the Councils decision to refuse LPA Ref: P/0074/22 for "*Certificate Of Lawful Development (Proposed): Installation of garden annexe In rear garden for use incidental to the main dwelling (demolition of outbuilding)*" on March 7<sup>th</sup>, 2022.

**30. 34-38 Pinner Road, HA1 4HZ (Appeal Ref: 3305179, Costs Ref: 3305179)**

30.1. The appellant sought permission for change of use of existing building to supported housing (Sui Generis).

30.2. The appellant submitted revisions in attempted to further support the application. Proposals cannot be altered during the appeals process, the inspectorate noted, citing the Procedural Guide to Planning Appeals England. The guidelines are explicit that amendments intended to address refusal reasons should normally be examined through new applications. Therefore, the inspectorate had determined the appeal in accordance with the plans and information that the Council had considered when making its decision on which all parties had been consulted, taking into consideration the Wheatcroft Principles, and in the interests of fairness.

30.3. The main issues for consideration in this appeal were whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to specific user groups, suitability of accommodation, and internal space.

30.4. The inspectorate commented that, the submitted evidence is conflicting in terms of the proposed level of occupancy of the host property, management details and intended user group(s). That there is limited evidence outlining the management details of the proposed scheme in the Lotus Sanctuary operators' letter and no management plan has been provided.

30.5. The inspectorate draws attention to provisions of Policy H12.A which requires that supported and specialised accommodation should be designed to satisfy the requirements of the specific use or group it is intended for, whilst providing options within the accommodation offer for the diversity of London's population.

30.6. The inspectorate went onto conclude, that there was insufficient evidence before them that the proposal has been designed specifically for the requirements of the proposed specific user group identified in the statement of case, nor whether it would provide suitable standard of accommodation for a diverse range of future occupiers as sought in Policy H12.A of The London Plan (March 2021). Which, in the absence of sufficient evidence, the inspectorate could not be certain that the proposed development would meet the needs of the specific user group or provide suitable standard of accommodation with a choice for a diverse range of future occupiers. Therefore, the proposed development falls contrary to Policy H12.A of The London Plan (March 2021) and Policy DM1.D(g) of the Harrow Council Development Management Policies (2013).



- 30.7. On the topic of costs, this application was made by London Borough of Harrow for a full award of costs against Hencap (West Country) Limited as the appellant had submitted a materially different proposal to that submitted and assessed under the original application which resulted in wasted officer time in processing and responding to the appeal.
- 30.8. The inspectorate concluded that, whilst they accept that a materially different proposal can amount to unreasonable behaviour under the cost's regime. Nevertheless, from the evidence before them it appeared that the delays in processing the initial planning application, LPA staffing issues and responding to the need to address the issues raised by the applicant contributed to the need to change the scheme, rather than this being a result of wilfully un-cooperative behaviour on the part of the appellant. The inspectorate concluded by expressing unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

**31. 18 Compton Rise, Pinner, HA5 5HR (Appeal Ref: 3300084)**

- 31.1. The appellant sought a Certificate of Lawful Use or development for hip to gable conversion, construction of box dormer on rear roof slope and two rooflights on front roof slope.
- 31.2. The main issues for consideration in this Appeal in the Council's view, the proposed hip to gable extension element of the proposal would extend beyond the plane of an existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. If this is the case, permitted development rights would not apply to the proposal as a whole, and therefore this is the main issue for determination.
- 31.3. The inspectorate drew attention to the (former) MHCLG publication, Permitted Development Rights for Householders; Technical Guidance published in September 2019 discusses such matters at pages 33-34 where reference is made to earlier sections of the guidance discussing what is meant by a 'principal elevation' and the factors, and relevant to whether an elevation of a house fronts a highway. Highlighting that the guidance identifies that the principal elevation 'could' include more than one wall facing in the same direction.
- 31.4. The inspectorate concluded that here, she did not consider there is an 'L' shaped frontage, and that the rear projection is just that, it is a projection from the side elevation of the house at the rear, and the half-metre or so of wall by which it projects is insufficient in appearance and scale to warrant its description as forming part of the principal elevation to the front.
- 31.5. The inspectorate surmised that there was no other suggested reasons why the proposal might not amount to permitted development under Article 3 and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, thereby she shall allow the appeal.

**32. 9 Caddis Close, Stanmore, HA7 3TL (Appeal Ref: 3306553)**

- 32.1. The appellant sought permission for part retrospective single storey front extension; Single storey side and single and two storey rear extension; Infilling of lower ground floor at rear and single storey side extension at lower ground floor; Connecting wall, access platform, terraces and steps between the main dwelling and two storey outbuilding (garage/utility) on lower ground and ground floor level; External alterations.
- 32.2. The main issues for consideration in this Appeal is the effect of the proposal on the character and appearance of 9 Caddis Close and its surroundings, including the effect on neighbouring users.

- 32.3. The inspectorate observed that the previous grant of permission<sup>1</sup> has significantly increased the bulk and depth of the original house and reduced easterly outlook from the frontage of No.10, further commenting that the reallocated entrance door had added to the overall sense of enclosure and tightness of the shared access arrangements.
- 32.4. The inspectorate went onto emphasise that the proposed single storey 'side' extension to the kitchen would actually project towards No.10, appearing as an incongruous addition which significantly intrudes upon the openness of the forecourt, replacing a relatively unobtrusive fence with further built form. Concluding that proposal conflicts with Policy CS1.B of the Harrow Core Strategy (2012), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the principles set out in the Councils SPD on Residential Design Guide (2010).

### **33. 8 Orchard Close, Edgware, HA8 7RE (Appeal Ref: 3303307)**

- 33.1. The requirements of the notice was to demolish the unauthorised development or alter to first floor rear extension and rear dormer to comply with the approved plans for the planning permission reference P/0876/18; and alter the front porch to comply with the approved details shown in planning application reference P/2843/18. The notice went onto further require, make good any damage caused to the building as a result of the above step and ensure that all materials used shall match those used in the existing building and remove from the land all materials and debris arising from compliance with the aforementioned requirements of the notice. The period for compliance with the requirements is 9 months.
- 33.2. In regards to the rear dormer, the inspectorate commented that this had been built in a position largely similar to the approved scheme, is modest in size and is well set in from the side boundaries, eaves and sits below the ridge line. Expressing that during their site visit, observed that there are a variety of roof forms in the area, many of which contain front, side and/or rear dormer windows, which are visible from the public realm. Concluding, in this context, the rear dormer does not harm the character and appearance of the building and preserves the character and appearance of the CA as a whole.
- 33.3. In regards to the front porch, the inspectorate commented that the porch is taller than that permitted under the LDC application, however, sympathetic with the overall form and scale of the host property and neighbouring properties and does not appear overly dominant. Concluding, that this aspect of the development does not harm the character and appearance of the building nor the CA as a whole.
- 33.4. In regards to the first floor rear extension, the inspectorate commented that its increased size and width, extends the building considerably with the mass and bulk of the extension projecting over a larger area of the ground floor rear extension. The size and scale of the unauthorised development is accentuated by its visibility from neighbouring properties. Concluding that this aspect of the development conflicts with Policy CS1 of the Harrow Core Strategy (2012), Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013), the Harrow Supplementary Planning Document Residential Design Guide (2010) and Policies D3 and HC1.C of the London Plan (2021).
- 33.5. The inspectorate took note of the case made by the appellant which refers to a number of extensions nearby. However, the inspectorate based on the limited evidence submitted regarding these, none appeared to be directly comparable in terms of size and scale as the current appeal development before them and therefore did not alter their decision. In any event, the inspector emphasises that they had assessed this case on its own merits.

- 33.6. The appeal is allowed insofar as it relates to the construction of a rear dormer and front porch and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the construction of a rear dormer and front porch.
- 33.7. The appeal is dismissed, and the enforcement notice is upheld insofar as it relates to the first-floor rear extension and planning permission is refused in respect of the first-floor rear extension at 8 Orchard Close, Edgware HA8 7RE, on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

**34. Former Oakleigh Nursing Home, 10 Oakleigh Road, Hatch End, HA5 4HB (Appeal Ref: 3299782)**

- 34.1. The Appeal is made against the failure of the Council to give notice of its decision within the prescribed period for the demolition of former care home (class C2) and redevelopment of the site to provide 8 x 2 bed residential units (class C3) along with associated landscaping, ancillary works, closure of existing access points and formation of new vehicular access point from Oakleigh Road is refused.
- 34.2. The main issues for consideration in this appeal were whether the proposed development would be appropriately located having regard to the spatial strategy of the area, the effect of the development upon the character and appearance of the area, and the effect of the proposed development upon the living conditions of occupiers of neighbouring properties with regard to outlook, light and privacy.
- 34.3. In regard to whether the development would be appropriately located, the inspectorate, having regard to the spatial strategy of the area, concluded that it would represent garden land development, and would therefore comprise the harmful dispersal of residential development to the detriment of the spatial strategy. It would therefore be contrary to HCS Policies CS1.A and CS1.B, as well as the GLSPD which together seek to ensure that new development is directed towards regeneration areas and previously developed sites, in the first instance and state that new residential development should not comprise garden land development.
- 34.4. In regard to the effect of the development upon the character and appearance of the area, the inspectorate, observed that the proposal would have a significantly larger volume and massing, particularly as a result of a two-storey wing being located where there is currently an existing single storey double garage. Concluding that, overall, the proposal would appear as an excessively large and harmfully dominating feature within the streetscene, conflicting with Policy D3, HCS of The London Plan (2021) and Policy CS1.B of the Harrow Core Strategy (2012), and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).
- 34.5. In regard to the effect of the proposed development upon the living conditions of occupiers of neighbouring properties with regard to outlook, light and privacy. The inspectorate observed that the proposed development would lead to harm to the living conditions of occupiers of No 8 in terms of outlook and light. Concluding that the proposal would therefore conflict with Policy D3 of The London Plan (2021) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013) as well as Harrow Councils Residential Design Guide SPD (2010).
- 34.6. The inspectorate did however note the appellant had indicated that a fallback position exists, with planning permission for an amended scheme of development having been granted following the submission of this appeal. The inspectorate acknowledged that such a fallback position exists, and that there is a greater than theoretical possibility that it would be implemented should the appeal be dismissed. Although the design approaches taken for both

the approved scheme and that currently before the inspectorate exhibited some similarities and offer a similar level of residential units, they are, nevertheless, materially different. Summarising that the fallback position forms a material consideration which, with specific regard to whether the site is an appropriate location for new development, would outweigh the conflict with Policy HCS Policies CS1.A and CS1.B.

**35. Bromefield, Stanmore, HA7 1AA (Appeal Ref: 3310151)**

- 35.1. The appellant sought permission for a Double storey wraparound extension, new front porch, roof alterations including loft conversion. (The proposed design is coordinated with a proposed design for No.3 Bromefield in order to achieve similar massing and appearance, including matching ridge heights.
- 35.2. The main issues for consideration in this Appeal is the effect of the proposal on the character and appearance of the host property and the area; and the living conditions at 3 Bromefield, with particular regard to outlook.
- 35.3. On the topic of character and appearance, the inspectorate observed that the host's main roofline would be raised by around 1 metre, and a rear dormer is proposed within its extended roof. According to the Council, that dormer would be set up from the eaves by around 1 metre and down from the extended main roof by around 0.8 metre. It would also be set in from the edge of the two-storey side extension's roof. It would thus comply with the SPD's broad stance that dormers should be visually contained within the roof profile.
- 35.4. Concluding that the scheme as a whole would achieve an articulated appearance, which would limit its perceived bulk, including in views from around Brick Lane, and it would respect the broad architectural style of the host. It would also be more in keeping with the scale and proportions of the generally much larger buildings nearby and in accordance with Policies Policy D3 Parts D1) and D11) of The London Plan 2021, Policy CS1.B of the Harrow Core Strategy (2012), and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).
- 35.5. On the topic of character and appearance, the inspectorate observed that the rear extension would project 4.65 metres beyond the host's original rear wall at ground floor level and 3 metres at first floor. On the basis of the available evidence, having regard to No 3, the two-storey rear extension would fail to comply with the SPD's 45-degree code. Notwithstanding this, the inspectorate went on to express that No 3 currently retains its original proportions to the rear, this scheme's form, depth and proportions would be very similar to the adjacent proposal. Consequently, if both were to be implemented, this scheme would have a minimal impact on the outlook from the proposed rear face of No 3 which would continue to be principally down that property's reasonably generous garden.
- 35.6. The inspectorate also disregarded the Councils request for pre-commencement condition requiring the submission of sewage disposal details, citing, this stance is inconsistent with the adjacent proposal where no such condition was suggested, further stating that he has no evidence that the existing system would not cope with the limited additional foul discharge as a result of this small scheme, and I have not therefore imposed that condition.