

Quarterly (Q1 Calendar Year) Appeals Report for September 4th, 2024, Planning Committee

Planning Inspectorate statistical release dated February 22nd, 2024, revealed that the Planning Inspectorate made 1,517 appeal decisions in month of January 2024. There were 1,414 appeal decisions for procedure type 'Written Representations' during this time (17,053 over the course of 12 months). The median decision time for appeals procedure type 'Written Representations' cases was 30 weeks (identical to that of the previous 12 months). There were 68 decisions issued on appeal type 'Hearings' during this month (803 over the course of 12 months). The median time for appeals procedure type 'Hearings' was 39 weeks (12-month median being 36 weeks). There were 35 decisions issued on appeal type 'Inquiries' during this month (486 over the course of 12 months). The median time for appeals procedure type 'Inquiries' was 40 weeks (12-month median being 50 weeks). The Official Statistics for the month of January 2024 can be read by clicking [here](#).

Planning Inspectorate statistical release dated March 28th, 2024, revealed that the Planning Inspectorate made 1,654 appeal decisions in month of February 2024. There were 1,560 appeal decisions for procedure type 'Written Representations' during this month (17,112 over the course of 12 months). The median decision time for appeals procedure type 'Written Representations' cases was 28 weeks (12-month median being 30 weeks). There were 49 decisions issued on appeal type 'Hearings' during this month (775 over the course of 12 months). The median time for appeals procedure type 'Hearings' was 38 weeks (12-month median being 36 weeks). There were 45 decisions issued on appeal type 'Inquiries' during this month (485 over the course of 12 months). The median time for appeals procedure type 'Inquiries' was 37 weeks (12-month median being 46 weeks). The Official Statistics for the month of February 2024 can be read by clicking [here](#).

Planning Inspectorate statistical release dated April 25th, 2024, revealed that the Planning Inspectorate made 1,452 appeal decisions in month of March 2024. There were 1,333 appeal decisions for procedure type 'Written Representations' during this month (16,910 over the course of 12 months). The median decision time for appeals procedure type 'Written Representations' cases was 27 weeks (12-month median being 30 weeks). There were 79 decisions issued on appeal type 'Hearings' during this month (769 over the course of 12 months). The median time for appeals procedure type 'Hearings' was 27 weeks (12-month median being 34 weeks). There were 40 decisions issued on appeal type 'Inquiries' during this month (455 over the course of 12 months). The median time for appeals procedure type 'Inquiries' was 28 weeks (12-month median being 30 weeks). The Official Statistics for the month of March 2024 can be read by clicking [here](#).

Enforcement decisions made in January 2024 had a decision time of 49 weeks (12-month median being 54 weeks), February 2024 had a decision time of 51 weeks (12-month median being 54 weeks) whilst March 2024 had a decision time of 62 weeks (12-month median being 53 weeks).

In summary, the above statistics reveal that, the number of submissions made under 'Written Representations' were almost identical in January to that of the preceding 12 months (median), so too were the decision timeline. By the end of Q3, the number of submissions made had decreased by 5.7%, resulting in an improved decision timeline of 10%.

Submissions made under "Hearings" were almost identical in January to that of the preceding 12 months (median), despite this, timelines improved by 8.1%. By the end of Q3, the number of submissions made had increased by 23.5% yet timelines improved 19%, the correlation between the dependent variables can only be explained by the increase of Planning Inspectors employed by the Inspectorate which rose from 426 at the end of December 2023 to 434 by the end of March 2024.

Submissions made under "Inquiries" had also decreased in January to that of the preceding 12 months (median) by 13.7%, this subsequently led to decision timelines decreasing by 20%. By the end of Q3, the number of submissions made had increased by 0.5% yet timelines improved 14%, again this correlation can only be explained by the 1.9% increase in Planning Inspectors employed by the Inspectorate.

Decision timelines for enforcement decisions to that of the preceding 12 months (median), demonstrated a decreased in the first part of the quarter by 9.5%, which by the end of the quarter spiked an increase of 17%.

The Planning Service at London Borough of Harrow Council had received 35 appeal decisions and 5 separate awards for costs decisions during the periods of January 1st, 2024, up until March 31st, 2024. Of the above-mentioned 35, dismissed accounted for 26 appeal decisions against 8 allowed and one part-allowed. The dismissed appeals represent 74% success rate for the Council, whilst the allowed appeals represent 23%, with 3% part. cost applications totalling 5 represented 80% success rate for the Council since one was submitted on behalf of the Council which was rejected.

A summary of each appeal decision received for the periods above (in no particular date order) can be found in the following pages to include hyperlinks to the London Borough of Harrow Councils Planning Portal and that of the Planning Inspectorate's Appeals Casework Portal.

Summary of Appeal Decisions:

Item	Site Address	Planning Reference	Description of Development	Decision Type	Status and Costs
1	4 Colmer Place, Harrow Weald, Harrow, HA3 6JW	Appeal A Ref: 3323390 LPA Ref: P/0187/23	Single storey side extension to create (1 bed) bungalow; parking; bin and cycle stores.	Delegated Refusal on 10.05.2023	Dismissed 01.02.2024
2	60 Hutton Lane, Harrow, HA3 6RD	Appeal Ref: 3329284 LPA Ref: P/1768/23	Use of existing detached outbuilding at rear as 'granny annexe' and home cinema incidental to main dwelling.	Delegated Refusal on 10.08.2023	Dismissed 02.02.2024 Applicants Costs Award Refused 02.02.2024
3	62 Hutton Lane, Harrow, HA3 6RD	Appeal A Ref: 3324188 LPA Ref: P/4386/22 Appeal B Ref: 3324193 LPA Ref: P/4387/22	Certificate of Lawful Development (existing): Addition of kitchen to detached outbuilding at rear to create self-contained unit. Certificate of Lawful Development (existing): Canopy at rear.	Delegated Refusal on 09.05.2023 Delegated Refusal on 25.12.2023	Dismissed 26.02.2024 Dismissed 26.02.2024

4	76 Birchmead Avenue, Pinner, Harrow, HA5 2BH	Appeal Ref: 3323275 LPA Ref: P/0453/23	Conversion of detached garage /outbuilding into 'Granny' annexe for use incidental to main dwelling; external alterations.	Delegated Refusal on 02.05.2023	Dismissed 26.01.2024 Applicants Costs Award Refused 26.01.2024
5	13 Canons Drive, Edgware, HA8 7RB	Appeal A Ref: 3300317 Appeal B Ref: 3300318 LPA Ref: ENF/0306/20/ P	The unauthorised demolition of a front boundary wall to the land in a conservation area (“the Unauthorised Works”).	Enforcement Notice on 09.06.2022	Appeal A Dismissed and Notice Upheld 11.01.2024 Appeal B Dismissed and Notice Upheld 11.01.2024 Applicants Costs Award Refused 11.01.2024
6	14 Argyll Gardens, Harrow, Edgware, HA8 5HB	Appeal Ref: 3317334 LPA Ref: P/3681/22/PR IOR	Single storey rear extension: 6.00 metres deep, 3.07 metres maximum height and 2.91 metres high to the eaves.	Delegated Refusal on 05.12.2022	Allowed 12.02.2024 Applicants Costs Award Refused 12.02.2024
7	12 Newbolt Road, Harrow, Stanmore, HA7 3LT	Appeal Ref: 3317624 LPA Ref: P/2807/22	Conversion of dwelling into two flats (2 x 2 bed); Single and two storey side extension; Single storey rear extension ;External alterations; Parking; Separate amenity space; bin and cycle stores.	Delegated Refusal on 14.11.2022	Dismissed 18.10.2023
8	13 Bellamy Drive, Harrow, Stanmore, HA7 2DD	Appeal Ref: 3321651 LPA Ref: P/3193/22	Conversion of dwelling into two flats (2 X 1 bed); single storey rear extension; rear dormer; external alterations; parking; landscaping; bin and cycle stores.	Delegated Refusal on 23.11.2023	Dismissed 04.01.2024
9	75 Christchurch Avenue, Harrow, HA3 8LZ	Appeal Ref: 3331760 LPA Ref: P/2043/23	First floor side to rear extension; Extension to roof, Rear Dormer and insertion of two rooflights in front roofslope.	Delegated Refusal on 19.09.2023	Dismissed 30.01.2024

10	5 Canons Corner, Edgware, HA8 8AE	Appeal A Ref: 3319098 Appeal B Ref: 3319099 LPA Ref: ENF/0148/22/ P	The material change of use of a restaurant (use class E) to a banqueting hall (use class Sui Generis ("the unauthorised use"). The unauthorised construction of a wooden and perspex single-storey rear extension as shown hatched red on the attached Plan 2 ("the Unauthorised Development").	Enforcement Notice on 22.02.2023	Appeal A Dismissed and Notice Upheld 13.02.2024 Appeal B Dismissed and Notice Upheld 13.02.2024 Councils Costs Award Refused 13.02.2024
11	13 Kenton Lane, Harrow, HA3 8TU	Appeal Ref: 3320382 LPA Ref: P/2515/22	Detached two storey dwellinghouse at rear, amenity space, parking; refuse and cycle storage.	Non- Determinati on 06.07.2022	Dismissed 21.02.2024
12	Land at Canon's Court, High Street, Edgware, HA8 7ST	Appeal Ref: 3323062 LPA Ref: P/3840/22	Prior approval telecommunications notification: Installation of 20m high telecommunications mast, antenna's, equipment cabinets, ancillary works.	Delegated Refusal on 23.12.2022	Dismissed 18.03.2024
13	112 Canterbury Road, Harrow, HA1 4PB	Appeal Ref: 3334837 LPA Ref: P/1638/23	Raised patio with steps to rear (retrospective).	Delegated Refusal on 21.09.2023	Dismissed 26.02.2024
14	26 Stanmore Hill, Stanmore, Harrow, HA7 3BJ	Appeal Ref: 3334577 LPA Ref: P/1775/23	Construction of 2m to 3m high brick front boundary wall with entrance gate (retrospective).	Delegated Refusal on 13.09.2023	Dismissed 26.02.2024
15	17 Methuen Close, Edgware, Harrow, HA8 6HA	Appeal Ref: 3326995 LPA Ref: P/0213/23	Garden container on raised brick foundation at rear (Retrospective).	Delegated Refusal on 19.06.2023	Dismissed 27.02.2024
17	15, 16 and 17 Little Common, Stanmore, HA7 3BZ	Appeal Ref: 3300987 LPA Ref: P/4931/21	First floor rear extension to all three properties.	Delegated Refusal on 28.03.2022	Dismissed 09.01.2024

18	The Gayton Hotel, 49 Gayton Road, Harrow, HA1 2LT	Appeal Ref: 3294390 LPA Ref: P/4565/21	Enlargement of side dormer including addition of dummy pitched roof; alterations to side dormer to form flat roof; external alterations.	Delegated Refusal on 11.01.2022	Dismissed 01.02.2024
19	Land Adjoining 219-221 Honeypot Lane, Stanmore, HA7 1ES	Appeal Ref: 3331885 LPA Ref: P/0658/23	Two-storey detached (3 bed) dwelling; separate amenity space; proposed vehicle access; parking; landscaping.	Delegated Refusal on 27.04.2023	Dismissed 11.03.2024
20	Phoenix Works, Cornwall Road, Pinner, HA5 4UH	Appeal Ref: 3323058 LPA Ref: P/0853/23	Demolition and redevelopment to provide three storey building comprising of offices (Use class E(g)(i).	Delegated Refusal on 15.05.2023	Dismissed 23.02.2024
21	3 Montrose Road, Harrow, HA3 7DX	Appeal Ref: 3322100 LPA Ref: P/4073/22	Three-storey side extension to create (3 bed dwelling); bin and cycle stores (demolition of side extension).	Delegated Refusal on 19.04.2023	Dismissed 19.02.2024
22	97 West Street, Harrow, HA1 3EL	Appeal Ref: 3315246 LPA Ref: ENF/0091/22/ P	The unauthorised replacement of a front door along the southern elevation facing West Street. The unauthorised removal of door and window above the door along the western elevation facing Nelson Road and covering over of these with render. The unauthorised replacement of original single glazed timber windows on the south and west elevations with double glazed windows. The unauthorised installation of 7 vents along the western elevation.	Enforcement Notice on 06.01.2023	Dismissed and Notice Upheld 09.01.2024
23	Harewood, Priory Drive, Stanmore, HA7 3HJ	Appeal Ref: 3327249 LPA Ref: ENF/0391/19/ P	The unauthorised construction of a single storey side to rear infill extension shown hatched blue on plan 2.	Enforcement Notice on 27.06.2023	Allowed and Notice Quashed 24.01.2024
24	48 Canons Drive, Edgware, HA8 7QY	Appeal Ref: 3324014 LPA Ref: P/0381/23	Details pursuant to condition 1 (security grilles/brickwork) attached to planning permission P/1013/22 allowed on appeal reference APP/M5450/D/22/3305566 dated 11/01/2023 for Security grilles to ground floor front elevation windows (retrospective).	Delegated Refusal on 03.04.2023	Allowed 14.03.2024

25	141 Kingshill Drive, Kenton, Harrow, HA3 8QT	Appeal Ref: 3331765 LPA Ref: P/2426/23	Alterations to roof; enlargement of rear dormer; external alterations.	Delegated Refusal on 17.10.2023	Allowed 30.01.2024
26	27 Crown Street, Harrow, HA2 0HX	Appeal Ref: 3331329 LPA Ref: P/1579/23	Single storey rear extension; external alterations (demolition of rear extension).	Delegated Refusal on 24.07.2023	Allowed 01.02.2024
27	92 Vancouver Road, Edgware, HA8 5DF	Appeal Ref: 3322962 LPA Ref: P/0170/23	Single storey side extension; external alterations (demolition of side extension and garage).	Delegated Refusal on 15.03.2023	Dismissed 30.01.2024
28	31 Uxbridge Road, Stanmore, Middlesex, HA7 3JL	Appeal Ref: 3332056 LPA Ref: P/1748/23	Two storey front extensions with bay windows; single storey front extension; front entrance canopy; two storey side extension; single and two storey rear extension with roof terrace; first floor side extension; alterations to roof; rear dormer; rooflights in side roofslopes; conversion of garage to habitable room; external alterations (demolition of side to rear extension and entrance canopy).	Delegated Refusal on 10.08.2023	Dismissed 15.01.2024
29	79 High Worples, Harrow, HA2 9SX	Appeal Ref: 3317344 LPA Ref: P/2472/22	Removal of condition 10 (secured by design) attached to planning permission P/0249/21 dated 07/07/2021 for Conversion of dwelling into two flats (1 x 3 bed unit and 1 x 2 bed unit and study); external alterations; parking; bin and cycle store; separate amenity space (retrospective).	Delegated Refusal on 30.08.2022	Dismissed 06.02.2024
30	7 Capuchin Close, Stanmore, HA7 3RL	Appeal Ref: 3317410 LPA Ref: ENF/0151/21/ P	The unauthorised conversion of the side garage into a habitable room with external alterations including raising the height of the roof ('the unauthorised development').	Enforcement Notice on 03.02.2023	Allowed and Notice Quashed 23.03.2024
31	Whitefriars School, Whitefriars Avenue, Harrow, HA3 5RQ	Appeal Ref: 3324233 LPA Ref: P/3660/22	Replacement windows and doors to all elevations.	Delegated Refusal on 09.01.2023	Allowed 06.02.2024
32	151 Christchurch Avenue, Harrow, HA3 8NS	Appeal Ref: 3317183	The construction of a single storey rear extension on the land as shown hatched in red on the attached Plan ("Unauthorised Single Storey rear Extension"); The construction of raised platform built without planning permission as shown hatched green on the attached Plan ("Unauthorised Raised Platform"); and	Enforcement Notice on 26.01.2023	Part-Allowed and Notice Varied/Uphe ld 11.01.2024

		LPA Ref: ENF/0022/19/ P	The construction of fences marked in blue on the attached plan with a height in excess of 2m ("Unauthorised Fences").		
33	31 Sudbury Court Drive, Harrow, HA1 3SZ	Appeal Ref: 3306908 LPA Ref: P/2513/22	Certificate of Lawful Development (Proposed): Alterations and extension to roof; wrap-a-round sides to rear dormer with Juliette balcony.	Delegated Refusal on 31.08.2022	Allowed 23.01.2024

Summary of Appeal Decisions:

1. 4 Colmer Place, Harrow Weald, Harrow, HA3 6JW (Appeal Ref: [3323390](#))

- 1.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the erection of a "single storey side extension to create (1 bed) bungalow, parking, bin and cycle stores".
- 1.2. As a procedural matter, the inspectorate highlighted that despite amendments of the National Planning Policy Framework being published in December 2023, they did not alter the basis upon which this appeal has been assessed.
- 1.3. The main issue were the effects of the proposed development on (a) the character and appearance of the streetscene and (b) the living conditions of the occupiers of 5 Colmer Place.
- 1.4. On ground (a), the inspectorate observed the additions at Nos. 1 and 5, commenting that the proposed side extension to the property would not be an incongruous addition to the streetscene and would not materially disrupt the pattern of development. The inspectorate then went onto emphasise that the scale of the proposed extension would be subordinate to the host property and its design, including the bay window and materials, would echo the front elevations of the other dwellings fronting the road.
- 1.5. Notwithstanding the above, the inspectorate commented that, although the design of the appeal scheme as an extension to the property does not cause significant harm, this does not outweigh the unacceptable harm which would be caused to the character and appearance of the streetscene by its proposed use as a single storey dwelling.
- 1.6. The inspectorate concluded that the proposed bungalow would not be of the most appropriate form and land use when assessed against the character and appearance of the streetscene. As such, the proposal fell contrary to Policies CS.1 and CS.2 of Harrow Council's 'Core Strategy' (2012) and Policy D3 of the 'London Plan' (2021), as well as Harrow Council's 'Garden Land Supplementary Planning Document'(2013).
- 1.7. On ground (b), the inspectorate observed that no specific evidence had been provided by either party to demonstrate claim by the Council that the proposed development would encroach into a 45-degree line drawn from the window of No. 5. The reasonable distance away from the shared boundary, combined with the setting back of the proposed extension's, any impact on the outlook from the

window towards the appeal scheme would not be significant, nor would the proposed extension be so visually intrusive or conspicuous so as to be an overbearing form of development.

- 1.8. Although the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 5 Colmer Place, this matter is demonstrably outweighed by the unacceptable harm which would be caused to the character and appearance of the streetscene given its land use.
- 1.9. Accordingly, it was concluded that this appeal should be dismissed.

2. 60 Hutton Lane, Harrow, HA3 6RD (Appeal Ref: [3329284](#))

- 2.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *“use of existing detached outbuilding at rear as ‘granny annexe’ and home cinema incidental to main dwelling.”*
- 2.2. The main issues were whether the proposed development would result in acceptable living conditions for future occupiers, with regards to internal space.
- 2.3. The inspectorate observed that, he found the living accommodation to be “squeezed” into a small area, resulting in the overall accommodation being unduly cramped with regards to internal space. As such, the proposed development would fail to provide suitable living accommodation for future occupiers.
- 2.4. The inspectorate took note the appellants argument drawing attention to other planning decisions and to other appeal decisions elsewhere, commenting that there was nothing before him to demonstrate that these relate to the same form of development under the same set of circumstances as the appeal before him, and in any case, he had found that the proposed development would result in significant harm and this is not a factor that is altered or mitigated by other decisions relating to other development proposals elsewhere.
- 2.5. The inspectorate concluded that, the proposal falls contrary to the National Planning Policy Framework, Policy D3 of the *‘London Plan’* (2021), Policy DM1 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013) and the Council’s Supplementary Planning Document: *‘Residential Design Guide’* (2010).
- 2.6. Accordingly, it was concluded that this appeal should be dismissed.
- 2.7. An award for costs application against the London Borough of Harrow Council by the appellant was made under Section 78, 322 and Schedule 6 of the Town and Country Planning Act 1990 and Section 250(5) of the Local Government Act 1972, against the refusal of planning permission for *“use of existing detached outbuilding at rear as ‘granny annexe’ and home cinema incidental to main dwelling.”*
- 2.8. The applicant alleged that the Council did not take into account relevant case law or previous appeal decisions, and that it did not use conditions to make what it considered to be an unacceptable proposal acceptable.
- 2.9. The inspectorate commented that, whilst the Council did not refer to case law or to previous appeal decisions, its reasoning was supported by reference to adopted planning policy.

2.10. In respect of conditions, the inspectorate commented that, there was nothing before him to demonstrate that the Council could have made an unacceptable development proposal acceptable by the use of planning conditions. As such, the inspectorate found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, had not been demonstrated.

2.11. Accordingly, it was concluded that the costs application ought to be dismissed.

3. 62 Hutton Lane, Harrow, HA3 6RD (Appeal A Ref: [3324188](#) and Appeal B Ref [3324193](#))

3.1. Appeal A Ref: [3324188](#) was made under Section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a Certificate of Lawful Use or Development for *“addition of kitchen to detached outbuilding at rear to create self-contained unit.”*

3.2. The main issues were whether the Council’s decision to refuse to grant the Certificate of Lawful Use or Development was well-founded.

3.3. The inspectorate observed that, the evidence provided pointed towards the outbuilding not being substantially completed by 25th December 2018.

3.4. The inspectorate concluded that, the Council's refusal to grant a Certificate of Lawful Use or development in respect of *‘outbuilding with use of a kitchen’* was well-founded and that the appeal should fail.

3.5. Accordingly, it was concluded that the appeal ought to be dismissed.

3.6. Appeal B Ref: [3324193](#) was made under Section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a Certificate of Lawful Use or Development for *“canopy at rear.”*

3.7. The main issues were whether the Council’s decision to refuse to grant the Certificate of Lawful Use or Development was well-founded.

3.8. The inspectorate drew attention that planning merits form no part of the assessment of an application for a Certificate of Lawful Use or Development which must be considered in the light of the facts and the law. Emphasising further that under such application types, the onus is firmly on the applicant to demonstrate, on the balance of probabilities, that the development is lawful.

3.9. The inspectorate concluded that, the appellant had not shown, on the balance of probabilities, that the canopy was substantially completed by 25th December 2018, as such, the appeal must fail.

3.10. Accordingly, it was concluded that the appeal ought to be dismissed.

4. 76 Birchmead Avenue, Pinner, Harrow, HA5 2BH (Appeal Ref: [3323275](#))

4.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for *“conversion of detached garage /outbuilding into ‘Granny’ annexe for use incidental to main dwelling; external alterations.”*

- 4.2. The main issue was the effect of the proposal upon the character and appearance of the surrounding area.
- 4.3. The inspectorate observed, during his site inspection that the building is the only observed example of a detached outbuilding of its kind visible from this part of the street and within the immediate group of properties. The inspectorate further observed that he found the proposed development would create the appearance of a residential bungalow dwelling. As such, the introduction of the proposal would significantly alter the appearance of the site and the surrounding area.
- 4.4. The inspectorate commented that the proposal would be clearly perceptible from the street by virtue of its incongruous scale and lack of effective screening between it and the street, with unobstructed views into the bedroom and shower room, that the intensification of the residential use of the building, visibility of the shared front access, alterations to the fenestration, the lack of effective screening, continuing separation of the outbuilding from the main house and its visibility from the street, would highlight the harmful effect the proposed development would have on the established pattern of development along the road.
- 4.5. The inspectorate concluded that, the proposed development would harm the character and appearance of the surrounding area. It would not respond positively to local character and distinctiveness, contrary to Policies D3.D(1) and D3.D(11) of the 'London Plan' (2021) and Policy CS1B of the 'Harrow Core Strategy' (2012) or reach a high standard of design, contrary to Policy DM1 A. or DM1 B. (a), (c) and (d) of the London Borough of Harrow Council's 'Development Management Policies' (2013).
- 4.6. The inspectorate took note the appellants argument over enabling convenient attendance to care needs, the inspectorate commented that he/she had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, however, it had not been demonstrated that the design of the proposal is the only means to provide the care required or that it represented the least harmful option. Accordingly, the inspectorates concluded that the decision to dismiss the appeal was a necessary and proportionate approach to the legitimate aim of ensuring good design in the public interest.
- 4.7. For the above reasons, the inspectorate concluded that the appeal ought to be dismissed.
- 4.8. An award for costs application against the London Borough of Harrow Council by the appellant was made under Section 78, 320 and Schedule 6 of the Town and Country Planning Act 1990 and Section 250(5) of the Local Government Act 1972, against the refusal of planning permission for "*conversion of detached garage/outbuilding into 'Granny' annexe for use incidental to main dwelling; external alterations.*"
- 4.9. The applicant alleged that the Council had exhibited unreasonable behaviour when it refused planning permission on the basis of issues related to character and appearance. The applicant refers to deliberately contrived misstatements by the Council.
- 4.10. The inspectorate commented that, whilst he/she recognises that there would be a limited amount of external alteration, the proposed changes would have a significant effect on the character and appearance of the area, as it would create the appearance of a residential bungalow dwelling. Against this background, the inspectorate further commented that it was not unreasonable for the Council to consider the proposed development to be cramped by comparison, nor was it unreasonable for the

Council to make references to Policy D6 of the 'London Plan' (2021) in relation to the proposed development being akin to certain dwellings.

- 4.11. The inspectorate further drew to attention, that it was not unreasonable for the Council to not suggest amendments to the design of the scheme, given that it had already been submitted by the applicant who choose not to enter into any pre-application discussions. The inspectorate further commented on the implication that the proposed development benefitted from permitted development rights, commenting that it was the applicant's choice to submit an application and I have found no fault with how the Council subsequently determined the application.
- 4.12. As such, the inspectorate found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, had not been demonstrated.
- 4.13. Accordingly, it was concluded that the costs application should be dismissed.

5. 13 Canons Drive, Edgware, HA8 7RB (Appeal A Ref: [3300317](#) and Appeal B Ref: [3300318](#))

- 5.1. The appeal was made under Section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the London Borough of Harrow on May 9th, 2022.
- 5.2. The breach of planning control as alleged in the notice is, without planning permission:
 - The unauthorised demolition of a front boundary wall to the land in a conservation area ("the Unauthorised Works").
- 5.3. The requirements of the notice were:
 - Rebuild the pre-existing boundary wall;
 - Ensure that all materials used shall match those used in the construction of the pre-existing boundary wall;
 - 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 six (6) calendar months after the notice takes effect;
 - The appeals are proceeding on the grounds set out in section 174(2)(a) (Appeal A), (f), and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- 5.4. The main issue was whether the development preserves or enhances the character or appearance of the Canons Park Estate Conservation Area.
- 5.5. The inspectorate commented that the development had resulted in the loss of a large section of boundary wall along the property's frontage with Chestnut Avenue. This had resulted in the loss of any visual containment and exposed the property's driveway and parking arrangements. In doing so, the development overly accentuates the visibility and dominance of the driveway and parking arrangement, resulting in a discordant feature in the streetscene. This effect was amplified by the development's prominent position within the street, being visible from a number of public vantage

points. Consequently, the development amounted to a discordant feature that harmfully eroded the prevailing character and appearance of the Conservation Area.

- 5.6. The inspectorate concluded that, on ground (a), the development fails to preserve or enhance the character or appearance of the Canons Park Estate Conservation Area, and this harm was not outweighed by public benefits. The development was therefore contrary to Policy D3 of the *'London Plan'* (2021), Policy CS1 of the *'Harrow Core Strategy'* (2012), Policies DM1 and DM7 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), and guidance set out within the *'Canons Park Estate Conservation Area Appraisal & Management Strategy'* (2013).
- 5.7. The inspectorate concluded that, on ground (f), the appellants did not dispute that planning permission was required for the demolition of the boundary wall, the requirements of the notice sought only to remedy the breach of planning control, namely the demolition of the boundary wall. Therefore, the requirements cannot be described as excessive. For these reasons, the inspectorate concluded that the requirements of the notice were not excessive, and so the appeals on ground (f) must fail.
- 5.8. The inspectorate concluded that, on ground (g), the appellants seek an eight-month period to comply with the notice as opposed to six, on the grounds that it will take some time to source reclaimed materials that match exactly. The inspectorate concluded that none of the appellants' claims in these respects have been substantiated by evidence, consequently, extending the compliance period to eight months, as suggested, would perpetuate the breach of planning control and the associated harm, without sufficient justification. The inspectorate was satisfied that the period of compliance stated in the notice is a proportionate response to the breach of planning control that has occurred.
- 5.9. The inspectorate concludes that the appeals should not succeed, that he/she shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).
- 5.10. An award for costs application against the London Borough of Harrow Council by the appellant was made under Sections 174, 322 and Schedule 6 of the Town and Country Planning Act 1990 and Section 250(5) of the Local Government Act 1972, against the enforcement notice alleging the unauthorised demolition of a front boundary wall to the land in a Conservation Area ("the Unauthorised Works").
- 5.11. The applicant was of the view that the Council had failed to set out its substantive case via the submission of a full statement, and despite being given an extension of time to do so as part of the appeal proceedings. The applicant was also aggrieved that they gave an undertaking to the Council not to pursue an application for costs on the condition that the enforcement notice was withdrawn to enable further discussions and negotiations over an acceptable scheme. However, the Council chose not to withdraw the enforcement notice
- 5.12. The inspectorate commented that, he/she was satisfied that, the Council has adequately set out its case and made reference to relevant policies and other materials to support its position at appeal. The lack of a full statement of case or final comments from the Council would not have materially delayed the appeal, and the Council was under no obligation to engage in further discussions or negotiations.
- 5.13. The inspectorate further commented that, the Council was under no obligation to withdraw the enforcement notice and, from the correspondence of June 6th, 2022, it provided the applicant with a detailed overview of the case and its current position at that time. The Council was entitled to pursue

enforcement action and to expect the requirements of the notice to be met within the specified timescales. While the applicant may not have been satisfied with this response, it did not amount to unreasonable behaviour.

- 5.14. The inspectorate concluded that, in this case, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, had not been demonstrated, and therefore an award of costs is not justified.

6. 14 Argyll Gardens, Harrow, Edgware, HA8 5HB (Appeal Ref: [3317334](#))

- 6.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for a *“single storey rear extension: 6.00 metres deep, 3.07 metres maximum height and 2.91 metres high to the eaves.”*
- 6.2. The main issue was whether the proposed development should be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
- 6.3. The part of Class A in dispute in this appeal is compliance with paragraph A.1.(j)(iii) which states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. The officer report also addresses compliance with paragraph A.1.(ja). This paragraph states that development is not permitted by Class A if any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).
- 6.4. The inspectorate observed that, the proposed extension would physically join what is actually part of the original dwelling, albeit a part of the original dwelling that subsequently is attached to the garage to the side. The removal of the existing rear extension means there would be a gap between the external side elevations of both the existing garage and the proposed development. The inspectorate commented that, following a strict interpretation of paragraph A.1.(ja) of the GPDO, and the wording in the Technical Guidance, the enlargement which is proposed to be carried out in this case would not actually ‘be joined’ to the previous extension, which is the existing garage to the side.
- 6.5. The inspectorate observed that, as the development adjoins the original dwelling, the proposed extension would not trigger the various cumulative limitations of paragraph A.1.(ja). On this basis, the inspectorate commented that enlargement which is proposed would not have a width greater than half the width of the original dwellinghouse.
- 6.6. Accordingly, the inspectorate concluded that the proposal would accord with both paragraphs A.1(j)(iii) and A.1(ja) of Schedule 2, Part 1, Class A of the GPDO and that the appeal should be allowed.
- 6.7. An award for costs application against the London Borough of Harrow Council by the appellant was made under Section 174, 322 and Schedule 6 of the Town and Country Planning Act 1990 and Section 250(5) of the Local Government Act 1972, against the refusal of planning permission for a *“single storey rear extension: 6.00 metres deep, 3.07 metres maximum height and 2.91 metres high to the eaves.”*

- 6.8. The applicant alleged that the Council had acted unreasonably in that it had a 'second bite at the cherry' refusing the application subject of the appeal, and/or failing to engage with them to seek clarity or legal opinion.
- 6.9. The inspectorate commented that, I agree with the Council's interpretation of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) in terms of the requirements of paragraphs A.1(j)(iii) and A.1(ja) of Schedule 2, Part 1, Class A being relevant to the proposal. Concluding that, in their view the Council was not unreasonable in its interpretation and therefore on the position that it took on the application.
- 6.10. The inspectorate further commented that there was no obligation for the Council to seek further clarification and no obligation for the Council to obtain a legal opinion on an application. Given the Council's interpretation. it did not amount to unreasonable behaviour that it did not seek to engage.
- 6.11. The inspectorate concluded that, he/she, found that no wasted or unnecessary expense has been incurred by the appellant in the appeal process and that the application for an award of costs should be refused.

7. 12 Newbolt Road, Harrow, Stanmore, HA7 3LT (Appeal Ref: [3317624](#))

- 7.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the "*conversion of dwelling into two flats (2 x 2 bed); Single and two storey side extension; Single storey rear extension ;External alterations; Parking; Separate amenity space; bin and cycle stores.*"
- 7.2. The main issue was the effect of the proposed development on the character and appearance of the building and wider area.
- 7.3. The inspectorate observed that, it was evident that the alterations to No. 2 somewhat undermined the simplicity of its original appearance and the balance it no doubt once had with the appeal property. These works had added bulk and changed the roof form which to an extent detract from the street scene. The hip-to-gable extension at the appeal property had further undermined the balance between the two houses. Whilst the proposal would re-introduce a hipped roof to the side of the appeal property, the overall result would clearly be different from that at No.2.
- 7.4. The inspectorate concluded that he found the proposal would cause harm to the character and appearance of the building and wider area, contrary to Policy D3 of the '*London Plan*' (2021), Policy CS1.B of the '*Harrow Core Strategy*' (2012) and Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013).

8. 13 Bellamy Drive, Harrow, Stanmore, HA7 2DD (Appeal Ref: [3321651](#))

- 8.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for "*conversion of dwelling into two flats (2 X 1 bed); single storey rear extension; rear dormer; external alterations; parking; landscaping; bin and cycle stores.*"
- 8.2. The main issue was whether the development would provide adequate living conditions for future occupiers, with regard to external amenity space and privacy within the ground floor flat.

- 8.3. The inspectorate observed that the rear wall of the proposed single-storey extension would contain two windows overlooking the communal garden and a door providing direct access out. As there was no physical separation between the windows and door and the communal garden, the use of this area by occupants of the upper floor flat would have an unacceptable adverse impact on the privacy of those living on the ground floor. Furthermore, due to the provision of direct access to the communal garden from the ground floor flat, it was highly likely that the occupiers of the first floor would feel uncomfortable using the space for any length of time.
- 8.4. The inspectorate concluded that the proposal would fail to provide adequate living conditions for future occupiers contrary to Policy DM3(7) of the 'London Plan' (2021), Policies DM1, DM26 and DM27 of the London Borough of Harrow Council's 'Development Management Policies' (2013). There would also be conflict with the Framework, paragraph 135(f) which seeks a high standard of amenity for existing and future users.
- 8.5. For the above reasons, the inspectorate concluded that the appeal ought to be dismissed.

9. 75 Christchurch Avenue, Harrow, HA3 8LZ (Appeal Ref: [3331760](#))

- 9.1. The appeal made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for a *"first floor side to rear extension; Extension to roof, Rear Dormer and insertion of two rooflights in front roofslope"*.
- 9.2. The main issue was the effect of the proposed development on the character and appearance of the area.
- 9.3. The inspectorate observed during his/her site visit that many dwellings have been extended and/or altered, such changes tend to appear in keeping with host dwellings and their surroundings and consequently, tend to appear to the benefit of the area's uniform qualities. Further noting that the gaps between buildings combine with the presence of gardens, parking areas and street trees to provide for a sense of greenery and spaciousness.
- 9.4. The inspectorate commented that, the absence of any set-back from the pavement would, result in the extension failing to appear as a subservient addition, rather, it would appear as an unduly large, bulky and imposing feature. The inspectorate further commented that proposal would serve to erode an important gap above ground floor level at the entrance to Bradenham Road from Christchurch Avenue. As well as detract from the area's spacious qualities, the proposal would harm the significant sense of symmetry that currently exists between the appeal property and No 73 and this in turn, would be detrimental to the uniform attributes of the area.
- 9.5. The inspectorate took note the appellants argument drawing attention to other planning decisions and other appeal decisions elsewhere. The inspectorate commented that, none of those were for the same form of development under the same set of circumstances as the appeal before them.
- 9.6. The inspectorate concluded that, the proposed development would harm the character and appearance of the area, contrary to the National Planning Policy Framework, Policies D3 and D11 of the 'London Plan' (2021), Policy DM1 of the London Borough of Harrow Council's 'Development Management Policies' (2013), Policy CS1 of the 'Harrow Core Strategy' (2012), and guidance contained

within the Council's adopted Supplementary Planning Documents entitled '*Residential Design Guide*' (2010).

9.7. For the above reasons, the inspectorate concluded that the appeal ought to be dismissed.

10. 5 Canons Corner, Edgware, HA8 8AE (Appeal A Ref: [3319098](#) Appeal B Ref: [3319099](#))

10.1. The appeal was made under Section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the London Borough of Harrow on February 22nd, 2023.

10.2. The breach of planning control as alleged in the notice is, without planning permission:

- The material change of use of a restaurant (use class E) to a banqueting hall (use class Sui Generis ("the unauthorised use")).
- The unauthorised construction of a wooden and perspex single-storey rear extension as shown hatched red on the attached Plan 2 ("the Unauthorised Development").

10.3. The requirements of the notice were:

- Cease the Unauthorised Use of the Land;
- Demolish the Unauthorised Development;
- Make good any damage caused to the building as a result of the above steps and in doing so ensure that all materials used shall match those used in the existing building;
- 4.4 Remove from the Land all materials and debris arising from compliance with the aforementioned requirements of this notice;
- The period for compliance with the requirements is: Three (3) months.

10.4. Appeal A is proceeding on the grounds set out in section 174(2)(a) and (c) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

10.5. The appeal on ground (c) is made on the basis that the matters stated in the notice (if they occurred) do not constitute a breach of planning control.

10.6. Conditions 3 and 4 of permission P/4042/20 granted on May 13th, 2021, for a "*single storey rear extension to restaurant/takeaway*" imposed prior to commencement of development conditions which had not been discharged. The appellant claims that they had not built the approved extension but have simply covered the outside space with a temporary structure for storage.

10.7. The inspectorate observed that, the rear extension projects further towards the rear compared with the scheme approved under permission P/4042/20 and had a different internal layout and a different roof form to the approved scheme. The inspectorate agreed that what had been constructed was not what was approved under permission P/4042/20, further cited that permission was not granted by virtue of Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

10.8. The inspectorate concluded that, the rear extension is physically attached to both the main building and the pre-existing outbuilding, whether intended to be temporary or not, the works which have

been carried out comprise part of a building and constitutes development for the purposes of Section 55(1) of the Town Planning Act 1990, and that planning permission is therefore required and since no planning permission has been granted, the appeal under ground (c) must fail.

- 10.9. The appeal on ground (a) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.
- 10.10. The main issues of the ground (a) appeal are the effect of the appeal scheme on the living conditions of nearby occupants, having particular regard to noise and disturbance, and highway and pedestrian safety and the character and appearance of the area.
- 10.11. The appellant suggested that the use of the appeal site as a restaurant allows for the same 'amount' of customers to use the restaurant as the banqueting hall.
- 10.12. The inspectorate commented that, given the proximity between the appeal site and the residential properties above, he/she considers that music and other noise generated by users of the premises is likely to cause noise and disturbance which is significantly harmful to the living conditions of occupants of the terrace, particularly during the evening when occupants of nearby residential properties may be trying to sleep.
- 10.13. The inspectorate concluded that, this element of the proposal fell contrary to Policies DM38 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policies D13 and D14 of the *'London Plan'* (2021).
- 10.14. On the topic of highway and pedestrian safety, the inspectorate observed the limited parking provision on London Road and surrounding areas, commenting that this may result in individuals parking in locations which interrupt the free flow of traffic or interrupt views and harm highway and pedestrian safety, contrary to Policy T4 of the *'London Plan'* (2021) and Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013).
- 10.15. On the topic of character and appearance, the inspectorate observed the use of corrugated Perspex and plywood contrasts with building materials used elsewhere along the service road, including brick and render, and commented that this gives the extension a makeshift appearance which is harmful to the character and appearance of the area, contrary to Policy D3 of the *'London Plan'* (2021) and Policy CS1 of the *'Harrow Core Strategy'* (2012), Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013).
- 10.16. Appeal B is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
- 10.17. The inspectorate concluded that, the appeals should not succeed and that he/she shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).
- 10.18. An award for costs application against the appellant by the London Borough of Harrow Council was made under Section 174, 322 and Schedule 6 of the Town and Country Planning Act 1990 and Section 250(5) of the Local Government Act 1972, over appellants failure to provide any detailed argument under ground (c).

10.19. The inspectorate observed that, the appellants' case under ground (c) was set out on their appeal form. The inspectorate commented further that whilst the appellants had not succeeded in their appeal under ground (c), they had exercised their right of appeal and were not unreasonable in doing so.

10.20. The inspectorate concluded that, unreasonable behaviour by Kosha Ltd and Mr Pesarlay Bakhtani, resulting in unnecessary or wasted expense, as described in the PPG, had not been demonstrated and that the application for an award of costs should be refused.

11. 13 Kenton Lane, Harrow, HA3 8TU (Appeal Ref: [3320382](#))

11.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a failure to give notice within the prescribed period of a decision on an application for outline planning permission for a *"detached two storey dwellinghouse at rear, amenity space, parking, refuse and cycle storage"*.

11.2. The inspectorate acknowledges that, had the Council been in a position to determine the application, it would have refused planning permission. The main issues raised by the Council in its statement of case, was whether or not the proposal would accord with the council's spatial strategy for growth.

11.3. The inspectorate observed that, since the appeal site forms garden land and the proposal is for garden land development, in the form of a new dwelling, it therefore leads to unmanaged, incremental growth on non-previously-developed land, at odds with Harrow's spatial strategy.

11.4. The inspectorate concluded that, the appeal site would not be a suitable location for new residential development as the proposal would undermine the Council's spatial strategy for growth. It therefore conflicts with Policy CS1 of the *'Harrow Core Strategy'* (2012) which, as noted, seeks to ensure that growth will be managed in accordance with the Council's spatial strategy and that the development of garden land will be resisted. This policy is consistent with paragraph 72 of the Framework which sets out that development plans may include policies to resist inappropriate development of residential gardens.

11.5. The inspectorate further commented on the appellant's claim, that, given the small scale of the proposal, any limited benefits that would be generated during construction and on subsequent occupation would be clearly outweighed by his/her finding that the proposal would undermine the Council's spatial strategy for growth.

11.6. For the above reasons, the inspectorate concluded that the appeal ought to be dismissed.

12. Land at Canon's Court, High Street, Edgware, HA8 7ST (Appeal Ref: [3323062](#))

12.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant approval required 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) for *"prior approval telecommunications notification: Installation of 20m high telecommunications mast, antenna's, equipment cabinets; ancillary works"*.

- 12.2. The main issue was the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and if any harm would occur, whether this was outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.
- 12.3. The inspectorate commented that, during their site visit he/she saw a mast further northwest along the A5, located to the rear of the footpath adjacent to the fence of a commercial building. In contrast, the appeal proposal would be in an open grassed area and would appear as a prominent and imposing addition to the street scape.
- 12.4. On the topic of character and appearance, the inspectorate concluded that, he/she found that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. Insofar as it is a material consideration, it would conflict with Policies DM1 and DM49 of the London Borough of Harrow Council's *'Development Management Policies'* (2013).
- 12.5. On the topic of need, the inspectorate concluded that, he/she did not consider that sufficient evidence has been given to demonstrate that the alternative sites are unsuitable as there is little detail of the greater impacts referenced in sites J, K and M as the proposed mast would also be prominent in views from a subservient street, Hillside Drive.
- 12.6. For the above reasons, the inspectorate concluded that the appeal ought to be dismissed.
- 13. 112 Canterbury Road, Harrow, HA1 4PB (Appeal Ref: [3334837](#))**
- 13.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for *"raised patio with steps to rear (retrospective)"*.
- 13.2. The main issue was the effect of the development on the living conditions of the occupiers of Number 110 Canterbury Road, with regards to privacy.
- 13.3. The inspectorate observed that, during their site visit, the overall height and scale of the terrace provides significant opportunities for direct overlooking, most notably over the rear garden of No.110 Canterbury Road. In this respect, there is scope for direct overlooking into No 110's rear garden from various parts of the large terrace, finding that this resulted in significant harm to the privacy of the occupiers of No.110.
- 13.4. The inspectorate took note of the appellants claim in support of the appeal, suggesting that fencing might mitigate harm to privacy, however commented that the combined height, width and projection of the terrace is such that very tall fencing would be required in order to protect the reasonable privacy of the occupiers of No.110 and any such fencing, due to its need to be very tall, would inevitably loom above the rear of No.110 which would result in an undue sense of enclosure.
- 13.5. The inspectorate concluded that, he/she found the development harms the living conditions of the occupiers of No.110 Canterbury Road, with regards to privacy, contrary to the National Planning Policy Framework, Policy D3 of the *'London Plan'* (2021) and Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013).
- 13.6. For the above reasons, the inspectorate concluded that the appeal ought to be dismissed.

14. 26 Stanmore Hill, Stanmore, Harrow, HA7 3BJ (Appeal Ref: [3334577](#))

- 14.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *“construction of 2m to 3m high brick front boundary wall with entrance gate (retrospective)”*.
- 14.2. The main issue was the effect of the proposed development on the character and appearance of the Stanmore Hill Conservation Area.
- 14.3. The inspectorate observed, during his/her site inspection that, occasional buildings in the area immediately front the pavement, many are set back behind largely open gardens and greenery and this, along with the hedgerows and trees, makes a positive contribution to the Stanmore Hill Conservation Area’s green, open and spacious qualities.
- 14.4. The inspectorate commented that, the height and length of the wall and gate and the wall’s solid materials result in it appearing as an imposing and dominant boundary feature unlike any other to be seen in this location. The inspectorate found that the harm arising from this is exacerbated as a result of the wall and gate’s prominent location, in very close proximity to the pavement edge, such that it appears intrusive in its surroundings
- 14.5. The appellant argues that, in support of the development, matters relating to the privacy and security of occupiers. The inspectorate did not consider these to amount to public benefits and taking this and found that it had not been demonstrated that public benefits outweigh the harm identified.
- 14.6. The appellant argues that, in support of the development, matters relating to privacy in respect of overlooking relating to the presence of a bus stop close by the property. The inspectorate commented that some degree of overlooking, including from buses, might reasonably be expected.
- 14.7. The inspectorate concluded that the development appears intrusive and incongruous, to the detriment of the Stanmore Hill Conservation Area’s qualities, failing to conserve the appearance of the Stanmore Hill Conservation Area, contrary to Policy D3 and D11 of the *‘London Plan’* (2021), Policies DM1, DM7, DM22 and DM23 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013).
- 14.8. For the above reasons, the inspectorate concluded that the appeal ought to be dismissed.

15. 17 Methuen Close, Edgware, Harrow, HA8 6HA (Appeal Ref: [3326995](#))

- 15.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal against a refusal to grant planning permission for a *“garden container on raised brick foundation at rear (Retrospective)”*.
- 15.2. The main issues were the effect of the development on the character and appearance of the local area and on the living conditions of the occupiers of neighbouring properties with particular regard to outlook.

- 15.3. The inspectorate observed, during his/her site inspection that, the container would not readily be evident from the road given its location behind the existing dwelling. However, it would be visible from the rear of the site and the back gardens of several neighbouring properties.
- 15.4. The inspectorate commented that, with, its utilitarian appearance, bulky shape and uncompromisingly solid form, the container stands uncomfortably within its residential garden setting.
- 15.5. The inspectorate concluded that, the development causes significant harm to the character and appearance of the local area and the outlook of neighbouring occupiers contrary to Policy D3 of the 'London Plan' (2021), Policy CS1.B of the 'Harrow Core Strategy' (2012) , Policy DM1 of the London Borough of Harrow Council's 'Development Management Policies' (2013).
- 15.6. The inspectorate concluded that, for the above reasons, the appeal ought to be dismissed.
- 16. 15, 16 and 17 Little Common, Stanmore, HA7 3BZ (Appeal Ref: [3300987](#))**
- 16.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for a "first-floor rear extension to all three properties".
- 16.2. As a preliminary matter, the inspectorate highlighted that the appeal relates to extensions to a terrace of three properties. In the interests of clarity, he/she had considered the proposal on the basis of it comprising a single extension to a single building.
- 16.3. The main issues were
- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal upon the character and appearance of the area including the Little Common Conservation Area, and;
 - if the proposal is inappropriate development, 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.
- 16.4. On the topic of inappropriate development, the inspectorate observed the Council's figures which indicated that the proposal would represent an increase of 41.8% of internal floorspace, a 65.7% increase in footprint and a 52.6% increase in the volume of the properties when considered as a whole. The inspectorate also noted that the Council's 30% benchmark is not established within the development plan, the increases in the floorspace, footprint and volume nevertheless means that the proposal would, objectively, be a sizeable addition to the building. The inspectorate concluded that, the proposed increase of size the building would be disproportionate, and consequently the proposal would be inappropriate development in the Green Belt which is, by definition, harmful.
- 16.5. On the topic of openness, the inspectorate observed the proposal being sited to the rear of the building and in a position where it would not be widely visible from public viewpoints, the resultant building would be spatially, and to a lesser extent visibly, larger than that which currently exists. It

would therefore reduce the relatively open character of this part of the Green Belt. The inspectorate concluded that this aspect fell contrary to Policy DM16 of the London Borough of Harrow Council's '*Development Management Policies*' (2013).

- 16.6. On the topic of character and appearance, the inspectorate observed the proposal would represent a large addition to the dwellings and would represent bulky and boxlike additions to the otherwise compact scale of them. The inspectorate further cited that, although the use of flat roofs reduces the scale of the proposal, this approach would not reflect the character of the area where the use of pitched roofs is predominant and would be visible from private vantage points within the Conservation Area. The inspectorate concluded that this aspect fell contrary to Policies HC1 and D3 of the '*London Plan*' (2021) and, Core Policy CS1 of the '*Harrow Core Strategy*' (2012) and Policies DM1 and DM7 of the London Borough of Harrow Council's '*Development Management Policies*' (2013).
- 16.7. On the topic of Green Belt balance, the inspectorate found harm to the Green Belt by reason of inappropriateness and harm to openness, and the harm to the Conservation Area, contrary to aims and objectives of Policies G2 and HCS of the '*London Plan*' (2021), Policy CS1 of the '*Harrow Core Strategy*' (2012) and Policy DM16 of the London Borough of Harrow Council's '*Development Management Policies*' (2013).
- 16.8. For the above reasons, the inspectorate concluded that the appeal ought to be dismissed.

17. The Gayton Hotel, 49 Gayton Road, Harrow, HA1 2LT (Appeal Ref: [3294390](#))

- 17.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal against a refusal to grant planning permission for the "*enlargement of side dormer including addition of dummy pitched roof, alterations to side dormer to form flat roof; external alterations*".
- 17.2. As a procedural matter, the inspectorate noted that there was nothing in the submissions which would indicate that an amendment to the description was agreed between the parties. However, the inspectorate noted that the appellant had adopted the Council's description on the appeal form and the Council's description more accurately describes the development proposed and therefore he/she has also used this for the purposes of the appeal.
- 17.3. The main issue was the effect of the proposed development on the character and appearance of the area.
- 17.4. The inspectorate observed that, although the proposed additions would echo the flat roofed form, general appearance, and materials of the existing dormer windows, the resulting extension would be significantly larger than the corresponding dormer on the opposite roof plane. It would also be considerably larger than those present on number 47, and those on number 51 which is also of an essentially similar design to the appeal building. These three buildings read as a group at the junction of Gayton Road with Northwick Park Road.
- 17.5. The inspectorate further observed that, the visual effect would be exacerbated by the extension being over the existing, flat roofed, two-storey side addition to the building. This existing addition has increased the width of the façade and effects its visual relationship with the gable end of the roof above. As a result, the front elevation of the building would become visually unbalanced with the flat roofs of the existing and proposed dormers becoming more prominent than the gable of the main roof.

- 17.6. The inspectorate concluded that, he/she had considered the proposed dormer extension would represent a disproportionate addition to the roof of the appeal building, and the cumulative effect of the appeal proposal with the previous extension and dormer windows would result in much of the original form of the building being lost and it no longer being perceived a coherent architectural composition and inconsistent with the general architectural character of the area.
- 17.7. The inspectorate concluded that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Policy D3 of the 'London Plan' (2021), Policy CS1 of the 'Harrow Core Strategy' (2012), Policies DM1 and DM34 of the London Borough of Harrow Council's 'Development Management Policies' (2013).
- 17.8. The inspectorate concluded that, for the reasons given above, the appeal ought to be dismissed.
- 18. Land Adjoining 219-221 Honeypot Lane, Stanmore, HA7 1ES (Appeal Ref: [3331885](#))**
- 18.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for a *"two-storey detached (3 bed) dwelling; separate amenity space, proposed vehicle access, parking, landscaping"*.
- 18.2. As a preliminary matter, the inspectorate highlighted that the appellant submitted an Arboricultural Implications Assessment and an Arboricultural Method Statement with the appeal, which was not before the Council during their consideration of the application. Notwithstanding this, the inspectorate had accepted this document as it would have been before the Council as part of the appeal documentation.
- 18.3. The main issues were whether the proposed development would harm the character and appearance of the area and whether the proposed development would have a harmful effect on trees.
- 18.4. On the topic of character and appearance, the inspectorate commented that it would be diminished by the siting arising from the plot narrowness, closeness to boundaries, and access and parking arrangement. It would appear as an obtrusive form of development and in an incongruous position.
- 18.5. The inspectorate concluded that, the proposal would fall contrary to Policy D3 of the 'London Plan' (2021), Policy CS.1 of the 'Harrow Core Strategy' (2012), Policies DM1 and DM18 of the London Borough of Harrow Council's 'Development Management Policies' (2013) and guidance contained under Para 135 of the National Planning Policy Framework (2023).
- 18.6. On the topic of harmful effect on trees, the inspectorate commented that although the trees are not subject to Tree Preservation Orders nor in a Conservation Area tree T1 in particular is of significant amenity value. It would be subject to both above and below ground pressure, and there is no overriding justification for the development. Overall, having regard to the above and on the basis of the evidence that is before him, the inspectorate was not convinced that the proposed development would not significantly undermine the longer-term existence and visual contribution of trees within Queensbury Park.
- 18.7. The inspectorate concluded that, on the above-mentioned topic, the proposal would fall contrary to Policy G7 of the 'London Plan' (2021), Policy DM22 of the London Borough of Harrow Council's

'Development Management Policies' (2013) and guidance contained within Para 136 of the National Planning Policy Framework (2023).

18.8. The inspectorate concluded that, for the reasons given above, the appeal ought to be dismissed.

19. Phoenix Works, Cornwall Road, Pinner, HA5 4UH (Appeal Ref: [3323058](#))

19.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *"demolition and redevelopment to provide three storey building comprising of offices (Use class E(g)(i)"*.

19.2. The main issues were the effect of the proposal on (a) the character and appearance of the area, (b) flood risk, and (c) the living conditions of neighbouring residential occupiers, with particular regard to outlook.

19.3. On the topic of character and appearance, the inspectorate commented that, the proposed building would be of a bulky mass, having a large footprint covering much of the appeal site and being three storeys in height. The flat roof appearance from public vantage points adds to the intrusive scale of the proposal. The proposed building would also reflect a modular design, with a distinct lack of interest and detailing on its elevations giving it a bland appearance. Overall, it would be of a very poor-quality design and thus would appear as an obtrusive addition.

19.4. As such, the inspectorate concluded that the proposal would harm the character and appearance of the area and thus would conflict with Policy D3 of the *'London Plan'* (2021), Policy CS1 of the *'Harrow Core Strategy'* (2012) and Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and guidance contained under Para 135 of the National Planning Policy Framework (2023).

19.5. On the topic flood risk, the inspectorate commented that, he/she was concerned at the accuracy and credibility of the appellants Flood Risk Assessment, as reference is made throughout it to residential developments and that the appeal proposal concerns an extension in Flood Zone 1, which in his/her opinion seriously questions the reliability of the information provided.

19.6. As such, the inspectorate concluded that, he/she could not be certain that the proposal will not be at risk of flooding or that it will not increase flood risk elsewhere for all flood sources. Therefore, this element of the proposal failed to comply with Policies SI12 and SI13 of the *'London Plan'* (2021), Policy CS1 of the *'Harrow Core Strategy'* (2012) and Policies DM9 and DM10 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), along with chapter 14 of the National Planning Policy Framework (2023).

19.7. On the topic living conditions, the inspectorate commented that the large gardens and intervening trees and landscaping would mitigate against the scale of the proposed building, such that it would not be an overbearing addition to neighbouring occupiers when seen from their rear gardens.

19.8. As such, the inspectorate concluded that the appeal proposal would not harm the living conditions of neighbouring occupiers and thus complies with the collective aims of Policy D3 of the *'London Plan'* (2021), and Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and guidance contained under Para 135 of the National Planning Policy Framework (2023).

19.9. The inspectorate concluded that, for the reasons given above, the appeal ought to be dismissed.

20. 3 Montrose Road, Harrow, HA3 7DX (Appeal Ref: [3322100](#))

20.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *“three-storey side extension to create (3 bed) dwelling), bin and cycle stores (demolition of side extension)”*.

20.2. As a preliminary matter, the inspectorate had amended the description of development.

20.3. The main issues were the effect of the proposed development on: (a) the character and appearance of the surrounding area; and (b) the amenity of users of the community hall and the living conditions of the occupiers of the residential unit within the Wealdstone Methodist Church (WMC) complex, with particular regards to outlook, daylight and sunlight and whether or not the site would be an appropriate location for a dwelling having regard to national and local planning policy for the development of residential gardens.

20.4. On the topic of character and appearance, the inspectorate commented that, whilst the proposal would be of a similar scale and design to that of No 3 and the remaining terrace, the infilling of the space would create a continuous wall of development to Montrose Road. The elongation of the three-storey terrace would erode the visual relief between the buildings and significantly reduce the overall spaciousness within the street. Therefore, whilst the design of the dwelling is a positive aspect, it did not outweigh the harm which he/she found in terms of the impact on the character and appearance of the street.

20.5. The inspectorate concluded that, the proposed new dwelling would have a harmful effect on the character and appearance of the surrounding area, contrary to Policy D3 of the *‘London Plan’* (2021), Policy CS1 of the *‘Harrow Core Strategy’* (2012), and Policy DM1 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013) and guidance contained within the Council’s adopted Supplementary Planning Documents entitled *‘Residential Design Guide’* (2010).

20.6. On the topic of amenity and living conditions, the inspectorate commented that at three storeys in height, the proximity of the flank elevation from habitable rooms in No.1A would create an imposing feature. This would result in an overbearing and oppressive outlook from these rooms and the occupants would feel hemmed in. The bleakness of the outlook would fail to provide a high standard of amenity.

20.7. The inspectorate concluded that, whilst he/she found no harm with regard to perceived overlooking, overshadowing, or loss of daylight or sunlight to either the users of the Pre-School or the existing occupants of No.1, the proposed development would harm the outlook of existing occupiers of No.1A contrary to Policy D3.D(7) of the *‘London Plan’* (2021), Policy DM1 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013) and guidance contained within the Council’s adopted Supplementary Planning Documents entitled *‘Residential Design Guide’* (2010).

20.8. The inspectorate took note of the appellants argument that the proposal would create one new house, supporting the Government’s objective of significantly boosting the supply of homes. However, the inspectorate commented that proposal would erode garden land, be harmful to the character and

appearance of the surrounding area and harm the living conditions of occupiers within No.1A. As such the benefits would not outweigh the harm.

20.9. The inspectorate concluded that, for the reasons given above, the appeal ought to be dismissed.

21. 97 West Street, Harrow, HA1 3EL (Appeal Ref: [3315246](#))

21.1. The appeal was made under Section 174 of the Town and Country Planning Act 1990, against an enforcement notice issued by the London Borough of Harrow on January 6th, 2023.

21.2. The breach of planning control as alleged in the notice is, without planning permission:

- The unauthorised replacement of a front door along the southern elevation facing West Street.
- The unauthorised removal of door and window above the door along the western elevation facing Nelson Road and covering over of these with render.
- The unauthorised replacement of original single glazed timber windows on the south and west elevations with double glazed windows.
- The unauthorised installation of 7 vents along the western elevation.

21.3. The requirements of the notice were:

- Remove the new windows on the west and south elevations and replace with windows that match the original pre-existing timber windows in all aspects of design and materials.
- Remove the render that has been installed on the west elevation in front of the historic window and door and reinstate the pre-existing door and window to match.
- Remove all extract fans and make good the effected fabric.
- 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.
- 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: Tree (3) months.

21.4. The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

21.5. The main issues of the appeal are the effect of the appeal scheme on the character or appearance of the Harrow on the Hill Village Conservation Area and the special interest of the locally listed building and the setting of the nearby locally listed buildings.

- 21.6. The inspectorate observed that, although the windows have similar design features to the original windows in terms of colour, glazing bars and openings, the bulky appearance of the windows harms the character and appearance of the Hill Village Conservation Area, the locally listed building and the setting of the nearby locally listed buildings.
- 21.7. The inspectorate concluded that he/she found, for ground (a), that the windows, door and vents harm the character and appearance of the Hill Village Conservation Area, the locally listed building and the setting of the nearby locally listed buildings, contrary to Policy HC1 of the *'London Plan'* (2021), Policy CS1 of the *'Harrow Core Strategy'* (2012), Policies DM1 and DM7 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and advice contained within the *'Harrow on the Hill Village Conservation Area Appraisal and Management Strategy'* (2008).
- 21.8. The appeal under ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
- 21.9. The inspectorate commented that, there is no scope for an enforcement notice to require some improvements to the land. The most that can be achieved in this case is restoration of the land to its previous condition. The inspectorate considered varying the notice as suggested by the appellant would restore the door to its condition before the breach took place and so he/she shall vary the notice accordingly. Thus, the appeal under ground (f) succeeds to that extent.
- 21.10. It is directed that the enforcement notice is corrected and varied by:
- At paragraph 5b) delete the words 'and door' and 'door and', so that it reads 'Remove the render that has been installed on the west elevation in front of the historic window and reinstate the pre-existing window to match.'
 - At paragraph 5c) delete the words 'all extract fans' and insert 'the 7 vents along the western elevation facing Nelson Road' and delete the word 'effected' and insert 'affected', so that it reads 'Remove the 7 vents along the western elevation facing Nelson Road and make good the affected fabric'.
 - At paragraph 6, delete the words 'Tree (3)' and insert 'Six (6)' as the period for compliance.
- 21.11. The appeal under ground (g) is made on the basis that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed. The appellant requests that the compliance period is extended to nine months as they would need to employ a competent and qualified company to carry out the works required by the enforcement notice and suggests industry lead in times are in excess of 20 weeks due to material shortages and volume of work.
- 21.12. The inspectorate commented that, nine months is, in his/her opinion, likely to be excessive, the inspectorate considers it reasonable and proportionate to extend the compliance period to six months, to give the appellant sufficient time to make the necessary arrangements for the works to be carried out. The inspectorate therefore has varied the notice to extend the compliance period to six months. The appeal under ground (g) succeeds to that extent.

21.13. The inspectorate concluded that, they shall vary the enforcement notice prior to upholding it and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended). The appeal on grounds (f) and (g) succeed to that extent.

22. Harewood, Priory Drive, Stanmore, HA7 3HJ (Appeal Ref: [3327249](#))

22.1. The appeal was made under Section 174 of the Town and Country Planning Act 1990, against an enforcement notice issued by the London Borough of Harrow on June 27th, 2023.

22.2. The breach of planning control as alleged in the notice is, without planning permission:

- The unauthorised construction of a single storey side to rear infill extension shown hatched blue on plan 2.

22.3. The requirements of the notice were:

- Demolish the unauthorised development;
- Remove from the land all materials and debris arising from compliance with the aforementioned requirement of the notice;

The period for compliance with the requirements is six months.

22.4. The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). The ground (a) appeal is that planning permission should be granted for the matters alleged. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

22.5. The main issues of the appeal were:

- Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework, December 2023 (the Framework), and relevant development plan policies;
- The effect on the openness of the Green Belt;
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

22.6. On the topic of inappropriate development in the Green Belt, the inspectorate acknowledges the Councils stance where it was identified that the previous extensions to the house, plus the unauthorised extension, amount to increases of approximately 207 percent in terms of footprint, 61 percent of floorspace and 90 percent of volume and accepts this level of addition would normally be considered disproportionate. However, the inspectorate observed that this size increase is offset by the removal of a pre-existing structure and the extension being located at the rear of the house, and it is not prominent in views from the road or the adjoining properties.

- 22.7. The inspectorate concluded that, the development is not inappropriate development in the Green Belt since it accords with Policy DM16 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policy G2 of the *'London Plan'* (2021), and Policy CS1.F of the *'Harrow Core Strategy'* (2012).
- 22.8. For the reasons mentioned-above, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
- 23. 48 Canons Drive, Edgware, HA8 7QY (Appeal Ref: [3324014](#))**
- 23.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant approval to details required by a condition of a planning permission. The development proposed is details pursuant to condition 1 (security grilles/brickwork) attached to planning permission P/1013/22 allowed on appeal reference APP/M5450/D/22/3305566 dated 11/01/2023 for *"security grilles to ground floor front elevation windows (retrospective)"*.
- 23.2. The main issues were whether the fixing plates and related metal work to the security grilles are painted in a suitable colour, having particular regard to the effect on the character and appearance of the host dwelling and Canons Park Estate Conservation Area.
- 23.3. The inspectorate observed that, during their site visit that the security grilles are in situ and painted white, along with their fixing plates. The inspectorate commented that, the security grilles in this case would match with the white colour used in the fenestration of the host building and the design of the glazing bars to the windows behind.
- 23.4. The inspectorate further commented that, he/she found that the use of white paint against brown brick is an acceptable mixture and is not alien or unexpected, more decisively, when viewed within the context of the wider Conservation Area, the white painted grilles and fixings would match the traditional colours found throughout, they were barely noticeable in the public realm, given the building's set back from the highway.
- 23.5. The inspectorate further addressed comments received from interested parties referring to the physical grilles themselves, suggesting that these detract from the character of the estate. The inspectorate emphasised that application to permit the physical structure of the security grilles had previously been determined under appeal reference APP/M5450/D/22/3305566. As such, this is not for consideration under this appeal.
- 23.6. The inspectorate concluded that, the colour of the fixing plates and metal work of the security grilles is suitable and would not harm character and appearance of the host dwelling and would preserve the character and appearance of the Conservation Area.
- 23.7. As such, the inspectorate found no conflict with Policies HC1 and D3 of the *'London Plan'* (2021), Policy CS1 B and D of the *'Harrow Core Strategy'* (2012), Policies DM1 and DM7 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and the *'Canons Park Conservation Area Appraisal and Management Strategy'* (2013).
- 23.8. For the reasons given above, the inspectorate concluded that details submitted in respect of condition 1 of the planning permission Ref P/0381/23 should be approved and the appeal allowed.

24. 141 Kingshill Drive, Kenton, Harrow, HA3 8QT (Appeal Ref: [3331765](#))

- 24.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for *“alterations to roof, enlargement of rear dormer, external alterations”*.
- 24.2. As a procedural matter, the inspectorate highlighted that in its questionnaire, the Council ticked boxes stating that conditions relating to the timescale of the permission, the control of materials and the need for the development to be carried out in accordance with the approved plans are unnecessary. However, the inspectorate considered each of these conditions to be necessary and there was no evidence before him/her to the contrary.
- 24.3. The main issues was the effect of the proposed development on the character and appearance of the area.
- 24.4. The inspectorate observed during their site visit that, there to be plentiful examples of rear dormers looking out across rear garden areas, such that the presence of rear dormers can be considered as being characteristic of the area.
- 24.5. The inspectorate commented that, he/she found that whilst the proposed development would extend the width of the existing dormer and create a larger dormer, the proposed development would not appear awkward, dominant or incongruous, but would result in a more attractive rear roof slope.
- 24.6. The inspectorate concluded that, the resultant dormer would enhance the appearance of the rear roof slope. It would significantly lessen the amount of glazing visible on the rear roof slope by removing two roof lights and he/she found that the dormer extension would, due to the use of sensitively chosen materials, lessen the visual impact of the dormer’s existing glazing.
- 24.7. As such, the inspectorate concluded that, the proposal would not harm the character and appearance of the area and would not be contrary to the National Planning Policy Framework (2023), Policies D3 and D11 of the *‘London Plan’* (2021), Policy DM1 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013), Policy CS1 of the *‘Harrow Core Strategy’* (2012), or guidance contained within the Council’s Supplementary Planning Document entitled *‘Residential Design Guide’* (2010).
- 24.8. For the reasons given above, subject to conditions, the inspectorate concluded that the appeal ought to be allowed.

25. 27 Crown Street, Harrow, HA2 0HX (Appeal Ref: [3331329](#))

- 25.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for a *“single storey rear extension; external alterations (demolition of rear extension)”*.
- 25.2. The main issue was the effect of the proposed development on the living conditions of the occupiers of 29 Crown Street.

- 25.3. The inspectorate observed that, the flank wall sited adjacent to the shared boundary with No. 29 would be no higher than the existing addition's side elevation and, as such, it would not be substantially taller than the existing fence with its trellis above.
- 25.4. The inspectorate commented that, there would be no material change to the sense of enclosure experienced by the occupiers of No.29 and their predominant outlook would remain towards the main part of the rear garden and other neighbouring private amenity spaces. As such, the appeal proposal would not be unduly prominent or bulky form of development that it would be of such detriment to the occupiers of No.29 to justify this appeal failing.
- 25.5. The inspectorate concluded that, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 29 Crown Street and, as such, it would not conflict with Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) or Policy L3 of the *'London Plan'* (2021).
- 25.6. For the reasons given above, subject to conditions, the inspectorate concluded that the appeal ought to be allowed.
- 26. 92 Vancouver Road, Edgware, HA8 5DF (Appeal Ref: [3322962](#))**
- 26.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for a *"single storey side extension; external alterations (demolition of side extension and garage)"*.
- 26.2. The main issue was whether or not the proposed side extension would materially harm this part of the street frontage to Vancouver Road.
- 26.3. The inspectorate observed that, the new 5.8m wide side extension to the semi-detached house at No 92 would be 1.2m narrower than a previously refused application, (ref: P/3248/22), bringing it down from the originally proposed same width at the house. In the inspectorates view, that reduction of the proposed replacement side extension project would be an acceptable alternative.
- 26.4. The inspectorate commented that the proposed revision would replace 2 unprepossessing flat roofed structures, those being a narrow side extension attached to the house and a single garage built up the boundary shared with No.90 next door. Replacing most of that with the 5.8m wide side extension to the house would be of some minor benefit, not, as the Council suggest, some harm to the street frontage.
- 26.5. The inspectorate concluded that, the appeal extension at No.92 Vancouver Road would not be in conflict with Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013).
- 26.6. For the reasons given above, subject to conditions, the inspectorate concluded that the appeal ought to be allowed.
- 27. 31 Uxbridge Road, Stanmore, Middlesex, HA7 3JL (Appeal Ref: [3332056](#))**

- 27.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for a *“two-storey front extensions with bay windows, single storey front extension, front entrance canopy, two storey side extension, single and two storey rear extension with roof terrace, first-floor side extension, alterations to roof; rear dormer, rooflights in side roofslopes, conversion of garage to habitable room, external alterations (demolition of side to rear extension and entrance canopy)”*.
- 27.2. As a preliminary matter, the inspectorate highlighted that, the Council’s officer report clarifies that, taking account of the planning history and its most recent assessment, most of the elements of the proposed development are acceptable. The inspectorate acknowledges this and has no reason to disagree with the Council’s view on these aspects of the proposals, highlighting that the Council’s concerns centres solely on the proposed single storey front extension.
- 27.3. The main issues were the effect of the proposed single storey front extension on the character and appearance of the host property and its surroundings.
- 27.4. The inspectorate observed that, the proposed front extension, designed as a garage, would sit close to and alongside 41 Jellicoe Garden’s plain side elevation, the inspectorate also observed that there was no clear building line along this frontage as a whole and that the Inspector in a previous appeal decision also made it clear that there is a *“staggered built form along the Uxbridge Road”*.
- 27.5. The inspector acknowledges that the garage would protrude forward of features in the appeal property’s front elevation when other works are complete. However, commented that its roof design and small scale is such to ensure that, despite its function, the extension would marry well with the general composition and large scale of the front elevation. Moreover, the appeal property’s front garden and parking area is partly fenced and surrounded by a tall evergreen hedge, thus augmenting the external screening.
- 27.6. The inspectorate concluded that, the proposals as a whole, including the front extension, would be acceptably assimilated into the local context without harming the character and appearance of the host property or its surroundings in accordance with Policy D3 of the *‘London Plan’* (2021), Policy CS1B of the *‘Harrow Core Strategy’* (2012), Policy DM1 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013).
- 27.7. For the reasons given above, subject to conditions, the inspectorate concluded that the appeal ought to be allowed.

28. 79 High Worple, Harrow, HA2 9SX (Appeal Ref: [3317344](#))

- 28.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the *“removal of condition 10 (secured by design) attached to planning permission P/0249/21 dated 07/07/2021 for Conversion of dwelling into two flats (1 x 3 bed unit and 1 x 2 bed unit and study), external alterations, parking, bin and cycle store, separate amenity space (retrospective)”*.
- 28.2. The condition in dispute is No.10 which states that:
- *“Within one month of the date of this decision, evidence of Secured by Design Certification shall be submitted to the Local Planning Authority in writing to be agreed, or justification shall be submitted*

where the accreditation requirements cannot be met. The Secured by Design measures shall be carried out in accordance with the approved details, within three months following the approval of the subject details and shall thereafter be retained in perpetuity”.

- 28.3. The reason given for the condition is: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime in accordance with Policy DM1 of the London Borough of Harrow Council’s ‘*Development Management Policies*’ (2013).
- 28.4. The main issues was the effect of the removal of condition 10 on occupiers, with regard to safety and the risk of crime.
- 28.5. The appellant submits that that there had been no historic requirement that the development would need to meet the requirements of Secured by Design and that the Council has not been applying this policy to all proposals.
- 28.6. The inspectorate commented that it is necessary to consider that regulations and policy requirements are subject to change, meaning that there is no reason why different conditions may not be reasonably imposed on a new decision. Additionally, highlighting correspondence between the appellant and the relevant Design Out Crime Officer which indicated that that the appellant had been aware of the requirements of Secured by Design principles since the first planning permission, and as such, would have been aware of these requirements at the appeal site from an early stage.
- 28.7. The inspectorate commented that the removal of the condition would not make the development acceptable in planning terms, as it has not been adequately demonstrated that the condition is no longer reasonable or serves a functional purpose. The inspectorate further commented that the removal of condition 10 without a suitable replacement would result in an unacceptable impact on safety and the risk of crime.
- 28.8. The updated form of the ‘Secured by Design’ condition (now Condition 9), is imposed to ensure that the required details are submitted, approved and implemented, so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the ‘Secured by Design’ standards before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
- 28.9. The inspectorate concluded that the current form of this condition requires amendment, and as such has allowed this appeal, that the planning permission should be varied as set out in the formal decision.

29. 7 Capuchin Close, Stanmore, HA7 3RL (Appeal A Ref: [3317410](#))

- 29.1. The appeal was made under Section 174 of the Town and Country Planning Act 1990 (as amended) against an enforcement notice issued by the London Borough of Harrow on February 3rd, 2023.
- 29.2. The breach of planning control as alleged in the notice is, without planning permission:

- The unauthorised conversion of the side garage into a habitable room with external alterations including raising the height of the roof ('the unauthorised development').

29.3. The requirements of the notice were:

- Demolish the unauthorised development or reduce the roof height to accord with the pre-existing elevation plans reference 386/A-020 submitted with planning application reference P/3830/21;
- Make good any damage caused to the building as a result of the above steps and ensure that all materials used shall match those used in the existing building;
- Remove from the land all material and debris arising from compliance with the requirements of the notice;
- The period for compliance with the requirements is six months.

29.4. The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

29.5. The main issues were the effect of the unauthorised development on the character and appearance of the bungalow and the surrounding area and the effect on the living conditions of existing and future occupiers of neighbouring residential property, having regard to outlook and natural light.

29.6. On character and appearance, the inspectorate commented that, the relatively limited increase in overall height has involved a correspondingly modest increase in the scale of the structure, compared with before its enlargement. As so enlarged, the structure does not appear as an awkward or overly bulky addition to the bungalow, nor is it seen as a prominent or alien feature in views from the cul-de-sac. The structure is set well back from the front elevations of the bungalow and No 8 further offsets the visual impact of the enlargement works, as does the use of matching bricks on the external walls.

29.7. The inspectorate concluded that, the enlarged structure is well integrated visually with both the bungalow and the surrounding area and there has been no harm to the character and appearance and accords with Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policy CS1.B of the *'Harrow Core Strategy'* (2012), Policy D3 at (1) and (11) of the *'London Plan'* (2021).

29.8. On living conditions, the inspectorate commented that, the enlargement works have involved little change in the above respect and that there had been a relatively modest increase in the overall height and massing of built form adjacent to the boundary with No.8, compared with the structure as it existed previously. On account of their limited scale, the enlargement works have not increased the massing of built form adjacent to the boundary to such an extent that there is an appreciably greater sense of overbearing at No.8. Nor was there an appreciably greater sense of enclosure by buildings at the rear of No.8, compared to the pre-existing situation.

29.9. The inspectorate concluded that, the enlarged structure did not cause unacceptable harm to the living conditions of the existing and future occupiers of neighbouring residential property. As such accords Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and Policy D3(7) of the *'London Plan'* (2021).

29.10. The inspectorate concluded that, the appeal should succeed on ground (a) and planning permission will be granted.

30. Whitefriars School, Whitefriars Avenue, Harrow, HA3 5RQ (Appeal Ref: [3324233](#))

30.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for “*replacement windows and doors to all elevations*”.

30.2. As a procedural matter, the inspectorate highlighted that, the site does not fall within the Conservation Area as stipulated within the case officers report, also discrepancies within the plans listed on the decision notice.

30.3. The main issues was the effect of the proposed development on the character and appearance of the locally listed school building and surrounding area, including whether it would preserve its special interest.

30.4. The inspectorate observed that, during their site visit the existing windows and doors in the building for the greater part comprised of timber although there were a number of UPVC and/or aluminium features within the elevations as indicated on the submitted plans.

30.5. The inspectorate commented that, the proposed replacement windows would be of a matching, like-for-like manner as far as practicably possible including the overall window arrangement, format, design, and scale.

30.6. The inspectorate concluded that, whilst he/she acknowledges comments regarding the materials, proportions, and traditional methods of opening as well as the flatness of new glass and need for thicker sections and glazing bars, he/she was satisfied that overall, the proposed window arrangement would not be so dissimilar or significantly change the overall appearance of the building in a way which would adversely affect the visual appearance of the building or surrounding area.

30.7. As such, the inspectorate concluded that, the proposed development would not unacceptably affect the character and appearance of the locally listed school building and surrounding area and would preserve its special interest in accordance with Policy HC11C of the ‘*London Plan*’ (2021), Policies CS1. B and D of the ‘*Harrow Core Strategy*’ (2012), and Policies DM1 and DM7 of the London Borough of Harrow Council’s ‘*Development Management Policies*’ (2013).

30.8. For the reasons set out above, the inspectorate concluded that subject to conditions the appeal ought to be allowed.

31. 151 Christchurch Avenue, Harrow, HA3 8NS (Appeal Ref: [3317183](#))

31.1. The appeal was made under Section 174 of the Town and Country Planning Act 1990 (as amended), against an enforcement notice issued by the London Borough of Harrow on January 26th, 2023.

31.2. The breach of planning control as alleged in the notice is, without planning permission:

- The construction of a single storey rear extension on the land as shown hatched in red on the attached Plan (“Unauthorised Single Storey rear Extension”);
- The construction of raised platform built without planning permission as shown hatched green on the attached Plan (“Unauthorised Raised Platform”); and
- The construction of fences marked in blue on the attached plan with a height in excess of 2m (“Unauthorised Fences”).

31.3. The requirements of the notice were:

- Demolish the Unauthorised Single Storey Rear Extension (shown hatched in red on attached Plan);
- Demolish the Unauthorised Raised Platform (shown hatched in green on attached Plan);
- Reduce the Fence marked in blue on attached Plan to a height of 2m from natural ground level;
- Make good any damage to the remaining house arising from compliance with the above steps, using materials matching the appearance of the existing dwelling house;
- 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: Six (6) calendar months.

31.4. The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

31.5. An appeal under ground (a) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. Since the appeal under ground (c) succeeds in respect of the fencing, my consideration under ground (a) is limited to the single storey rear extension and the raised platform.

31.6. The main issues were the effect of the appeal scheme on the character and appearance of the area; and the effect of the appeal scheme on the living conditions of occupants of No.149 and 153, having regard to outlook and privacy.

31.7. On character and appearance, the inspectorate observed and concluded that, given the unusual roof form, substantial height and bulk of the rear extension, it appears a prominent feature which harms the character and appearance of the area, contrary to Policy D3 of the ‘*London Plan*’ (2021), Policy CS1 of the ‘*Harrow Core Strategy*’ (2012) and Policy D1 of the London Borough of Harrow Council’s ‘*Development Management Policies*’ (2013).

31.8. On living conditions, the inspectorate observed and concluded that, there was no harm arising from the raised platform and no conflict with Policies Policy D3 of the ‘*London Plan*’ (2021), Policy CS1 of the ‘*Harrow Core Strategy*’ (2012) and DM1 of the London Borough of Harrow Council’s ‘*Development Management Policies*’ (2013) and guidance contained within the Council’s adopted Supplementary Planning Documents entitled ‘*Residential Design Guide*’ (2010).

- 31.9. An appeal under ground (c) is made on the basis that the matters stated in the notice (if they occurred) do not constitute a breach of planning control. It is for the appellant to make their case on the balance of probabilities. Section 191(2) of the Act sets out that uses and operations are lawful at any time if (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason).
- 31.10. The inspectorate took note of limitations under The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(the GPDO) Schedule 2, Part 1, Class A which permits the enlargement, improvement or other alteration of a dwellinghouse, subject to certain limitations and conditions and comparisons against plan approved under P/2173/14.
- 31.11. The inspectorate concluded that, given the differences between the as built development and the plan submitted under reference P/2173/14, the rear extension is development for which planning permission is required and the appeal under ground (c) must fail in respect of the single storey rear extension.
- 31.12. With regards to the raised platform, the inspectorate commented that, the raised platform comprises a raised platform for the purposes of the GPDO and is not permitted by Class A. Thus, the appeal the appeal under ground (c) must fail in respect of the raised platform.
- 31.13. With regards to the fencing, the inspectorate acknowledged that Part 2, Class A of Schedule 2 of the GPDO permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. The inspectorate commented the fence and posts measure marginally less than 2m above ground level from within the appeal site. Thus, on the balance of probabilities, he/she found that the fencing is development which is granted planning permission by the GPDO and the appeal under ground (c) succeeds in part.
- 31.14. An appeal under ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. Since the appeal under ground (c) succeeds in respect of the fencing and the appeal under ground (a) succeeds in respect of the raised platform, his/her consideration under ground (f) is limited to the single storey rear extension.
- 31.15. The inspectorate comments that it is likely to be possible to design a scheme which would bring the extension within the limitations set out in the GPDO. The grant of planning permission under the GPDO is an obvious alternative that could be achieved with less cost and disruption, since no alternative scheme is before them, it is not possible for him/her to frame the requirements with sufficient precision that the appellant knows what they have to do. Consequently, the appeal under ground (f) must fail.
- 31.16. An appeal under ground (g) is made on the basis that any period specified in the notice...falls short of what should reasonably be allowed. The appellant requests a compliance period of 12 months to enable them to tender for a builder, agree the scope of works, allow for the lead in time for a builder to commence, to enable the appellant time to secure alternative accommodation, to allow the works to be carried out and to be inspected and for any snag work to be undertaken.
- 31.17. The inspectorate concludes that, they consider it reasonable to extend the compliance period to 9 months, to give the appellant the opportunity to secure planning permission for an alternative

scheme. The inspectorate shall therefore vary the compliance period to 9 months, .the appeal under ground (g) succeeds to that extent.

31.18. It is directed that the enforcement notice is corrected and varied by:

- At paragraph 2 of the notice, the deletion of sub-paragraph 2.3 and the deletion of the words ‘The construction of fences marked in blue on the attached plan with a height in excess of 2m. (“Unauthorised Fence s”).
- At paragraph 4 of the notice, the deletion of sub-paragraph 4.3 and the deletion of the words ‘Reduce the Fence marked in blue on attached Plan to a height of 2m from natural ground level.’
- At paragraph 5 of the notice, the deletion of the words ‘Six (6)’ and the insertion of the words ‘Nine (9)’ as the period for compliance.

32. 31 Sudbury Court Drive, Harrow HA1 3SZ (Appeal Ref: [3306908](#))

32.1. The appeal was made under Section 195 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 against a refusal to grant a Certificate of Lawful Use or Development for *“alterations and extension to roof; wrap-a-round sides to rear dormer with Juliette balcony”*.

32.2. The main issue was whether the Council’s decision to refuse to grant an LDC was well-founded. The dispute between the parties concerning the interpretation of Schedule 2, Part 1, Class B1(d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

32.3. The inspectorate acknowledges that the Council was of the opinion that the proposal would not comply with B.1(d), because the addition of the proposed roof extension, plus the flat roof construction of the existing rear extension, would exceed the 50 cubic metres allowed, in which case, the proposal would not be permitted development. The appellant takes the contrary view.

32.4. The inspectorate commented that, he/she disagrees with the Council’s interpretation of B.1(d) for the following reasons. Firstly, the flat roof of the existing rear extension does not include any roof void as it comprises a solid slab of construction containing joists and insulation, as the appellant explains. No additional roof space has been created. Moreover, the GPDO provides clarification as to what the term ‘resulting roof space’ means. It means the roof space as enlarged, taking into account any enlargement to the original roof space. The rear extension is not an enlargement to the original roof space, it is an unrelated extension with a flat roof.

32.5. Consequently, the inspectorate concluded that they were satisfied that the cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres and so the development proposed would fall within that ‘permitted’ under Article 3 and Schedule 2, Part 1, Class B to the GPDO.

32.6. For the above-mentioned reasons, the inspectorate concluded that the appeal ought to be allowed.