

## **Quarterly Q1 Appeals Report for September 25<sup>th</sup>, 2024, Planning Committee**

Planning Inspectorate statistical release dated June 20<sup>th</sup>, 2024, revealed that the Planning Inspectorate made 1,571 appeal decisions in month of May 2024 (month of April stats had been reported in last Appeals Report presented at Planning Committee on September 4<sup>th</sup>, 2024). During month of May, there were 1,442 appeal decisions for procedure type 'Written Representations' during this time (17,165 over the course of 12 months). The median decision time for appeals procedure type 'Written Representations' cases was 26 weeks (4 weeks lesser than that of previous 12 months). There were 78 decisions issued on appeal type 'Hearings' during this month (753 over the course of 12 months). The median time for appeals procedure type 'Hearings' was 24 weeks (12-month median being 32 weeks). There were 51 decisions issued on appeal type 'Inquiries' during this month (494 over the course of 12 months). The median time for appeals procedure type 'Inquiries' was 40 weeks (12-month median being 44 weeks). There were 443 Planning Inspectors employed by the Inspectorate at the end of May 2024. The Official Statistics for the month of January 2024 can be read by clicking [here](#).

Planning Inspectorate statistical release dated July 18<sup>th</sup>, 2024, revealed that the Planning Inspectorate made 1,361 appeal decisions in month of June 2024. There were 1,295 appeal decisions for procedure type 'Written Representations' during this month (17,054 over the course of 12 months). The median decision time for appeals procedure type 'Written Representations' cases was 26 weeks (12-month median being 29 weeks). There were 41 decisions issued on appeal type 'Hearings' during this month (735 over the course of 12 months). The median time for appeals procedure type 'Hearings' was 32 weeks (12-month median being 31 weeks). There were 25 decisions issued on appeal type 'Inquiries' during this month (491 over the course of 12 months). The median time for appeals procedure type 'Inquiries' was 34 weeks (12-month median being 44 weeks). There were 442 Planning Inspectors employed by the Inspectorate at the end of June 2024. The Official Statistics for the month of February 2024 can be read by clicking [here](#).

Planning Inspectorate statistical release dated August 22<sup>nd</sup>, 2024, revealed that the Planning Inspectorate made 1,678 appeal decisions in month of July 2024. There were 1,535 appeal decisions for procedure type 'Written Representations' during this month (17,175 over the course of 12 months). The median decision time for appeals procedure type 'Written Representations' cases was 26 weeks (12-month median being 29 weeks). There were 68 decisions issued on appeal type 'Hearings' during this month (736 over the course of 12 months). The median time for appeals procedure type 'Hearings' was 26 weeks (12-month median being 31 weeks). There were 60 decisions issued on appeal type 'Inquiries' during this month (513 over the course of 12 months). The median time for appeals procedure type 'Inquiries' was 32 weeks (12-month median being 42 weeks). There were 437 Planning Inspectors employed by the Inspectorate at the end of July 2024. The Official Statistics for the month of March 2024 can be read by clicking [here](#).

Enforcement decisions made in May 2024 had a decision time of 52 weeks (12-month median being 53 weeks), June 2024 had a decision time of 52 weeks (12-month median being 53 weeks) whilst July 2024 had a decision time of 56 weeks (12-month median being 53 weeks).

In summary, the above data reveals that, the number of appeal decisions under appeal type 'Written Representations' decreased gradually from month of May to June by 10.2% only to sharply rise in July from the month prior by 15.6%. The number of appeal decisions under appeal type 'Hearings' decreased in month of May to June by 48%, only to then rise sharply rise again in July from the month prior by 46.5%. The number of appeal decisions under appeal type 'Inquiries' decreased from month of May to June by 51%, only to then rise sharply rise again in July from the month prior by 140%.

By the end of Q1, the median number of submissions made from the start of the quarter to the end increased by 6.3%, resulting also in a slower decision timeline of 3% with 6 less Planning Inspectors employed by the Inspectorate.

The Planning Service at London Borough of Harrow Council had received 29 appeal decisions (including 1 separate awards for costs application) during the periods of April 1<sup>st</sup>, 2024, up until July 31<sup>st</sup>, 2024. Of the above-mentioned 29, dismissed accounted for 16 appeal decisions against 13 allowed. The dismissed appeals represent 55% success rate for the Council, whilst the allowed appeals represent 45%. Cost applications totalling 1 represented 100% failure rate for the Council.

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 Council's 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	201-205 High Road, Harrow, HA3 5EE	Appeal Ref: <a href="#">3323530</a>  LPA Ref: <a href="#">P/4324/22</a>	Redevelopment to provide three storey building comprising of commercial unit to ground floor (Use class E) and seven residential units (1 X 3 bed and 6 X 2 bed) (Use class C3); bin and cycle stores.  ▪ Application Type: Full Planning.	Delegated Refusal on 06.04.2023	Dismissed 02.05.2024
2	Land next to 41 Hamilton Road, Harrow, HA1 1SX	Appeal Ref: <a href="#">3324161</a>  LPA Ref: <a href="#">P/4317/22</a>	Single storey detached garage at land to rear of Nos.58 and 60 Nibthwaite Road, fronting Hamilton Road (retrospective demolition of garage).  ▪ Application Type: Full Planning.	Delegated Refusal on 23..03.2023	Dismissed 07.05.2024
3	22 Lawrence Crescent, Edgware, Harrow, HA8 5PD	Appeal Ref: <a href="#">3326247</a>  LPA Ref: <a href="#">P/3886/22</a>	Use of outbuilding in rear garden as business storage (Use class B8) (retrospective).  ▪ Application Type: Full Planning.	Delegated Refusal on 22.06.2023	Dismissed 22.04.2024
4	43 Parkside Way, Harrow, HA2 6DE	Appeal Ref: <a href="#">3334945</a>  LPA Ref: <a href="#">PL/0042/23</a>	Two storey side to rear extension; single storey rear extension; external alterations (demolition of attached garage).  ▪ Application Type: Householder.	Delegated Refusal on 05.10.2023	Dismissed 17.04.2024
5	25 Whitchurch Gardens, Edgware, Harrow, HA8 6PF	Appeal Ref: <a href="#">3336644</a>  LPA Ref: <a href="#">P/2444/23</a>	Alterations and extension to form flat roof over first floor side extension; external alterations (demolition of side hipped roof).  ▪ Application Type: Householder.	Delegated Refusal on 24.08.2023	Dismissed 14.05.2024

<b>6</b>	367A Station Road, Harrow, HA1 2AW	Appeal Ref: <a href="#">3325685</a>  LPA Ref: <a href="#">P/3873/22</a>	Additions and alterations including four storey rear extension, additional storey and conversion of existing first and second floor flat to provide 5x1bed flats and 1x studio/office.  ▪ Application Type: Full Planning.	Delegated Refusal on 24.01.2023	Dismissed 07.05.2024
<b>7</b>	6 Pinner Green, Pinner, Harrow, HA5 2AA	Appeal Ref: <a href="#">3326230</a>  LPA Ref: <a href="#">P/4392/22</a>	Change of use of rear part of ground floor Retail Unit (Class E) to Studio flat (Class C3); Single storey rear extension; External alterations; Parking; Refuse and Cycle storage.  ▪ Application Type: Full Planning.	Delegated Refusal on 24.01.2023	Dismissed 16.05.2024
<b>8</b>	95 Howberry Road, Harrow, Edgware, HA8 6TG	Appeal Ref: <a href="#">3329305</a>  LPA Ref: <a href="#">P/0796/23</a>	Redevelopment to provide two-storey (5 bed) dwelling with habitable roofspace; landscaping; bin and cycle stores.  ▪ Application Type: Full Planning.	Delegated Refusal on 23.11.2023	Dismissed 16.04.2024
<b>9</b>	6A Camrose Avenue, Edgware Harrow, HA8 6EG	Appeal Ref: <a href="#">3329519</a>  LPA Ref: <a href="#">P/1257/23</a>	Demolition of existing side extension and redevelopment of the site to provide a detached bungalow with habitable roofspace and rear dormer; landscaping; bin and cycle stores.  ▪ Application Type: Full Planning.	Delegated Refusal on 23.06.2023	Dismissed 20.05.2024
<b>10</b>	11 Tavistock Road, Edgware, HA8 6DF	Appeal Ref: <a href="#">3330518</a>  LPA Ref: <a href="#">P/1460/23</a>	Conversion of dwelling into three flats (2 X 1 bed and 1 X 1 bed); single and two storey side extension; single storey rear extension; separate amenity space; parking; landscaping; bin and cycle stores.  ▪ Application Type: Full Planning.	Delegated Refusal on 26.07.2023	Dismissed 12.06.2024
<b>11</b>	3 Warden Avenue, Rayners Lane, Harrow, HA2 9LP	Appeal Ref: <a href="#">3341897</a>  LPA Ref: <a href="#">PL/0762/23</a>	Change of use of outbuilding at rear from gym to annexe ancillary to dwelling (retrospective).  ▪ Application Type: Householder.	Delegated Refusal on 31.01.2024	Dismissed 23.05.2024
<b>12</b>	31 Cheyneys Avenue, Canons Park, Harrow, HA8 6SA	Appeal Ref: <a href="#">3339765</a>  LPA Ref: <a href="#">PL/0749/23</a>	Single storey front extension; single storey side to rear extension; external alterations (demolition of garage and side extension).  ▪ Application Type: Householder.	Delegated Refusal on 30.01.2024	Dismissed 14.05.2024
<b>13</b>	Hillfield, Mount Park Road, Harrow, HA1 3JR	Appeal Ref: <a href="#">3330987</a>  LPA Ref: <a href="#">P/1888/23</a>	Detached single and two storey dwellinghouse at rear with accommodation in roof; Vehicle Access; Parking; Landscaping; Refuse storage.  ▪ Application Type: Full Planning.	Delegated Refusal on 07.09.2023	Dismissed 02.05.2024

<b>14</b>	40A Somervell Road, Harrow, HA2 8TT	Appeal Ref: <a href="#">3334116</a>  LPA Ref: <a href="#">P/2324/23</a>	Redevelopment to provide two storey building comprising of eight self-contained flats (8 X 2 bed); landscaping; boundary treatment; parking; bin and cycle stores.  ▪ Application Type: Full Planning.	Delegated Refusal on 28.09.2023	Dismissed 07.06.2024
<b>15 (&amp; 16)</b>	51A Tudor Road, Harrow, HA3 5PQ	Appeal A Ref: <a href="#">3334450</a>  LPA Ref: <a href="#">P/2247/23</a>  Appeal B Ref: <a href="#">3338054</a>  LPA Ref: <a href="#">PL/0503/23</a>	Alterations to roof to form end gable and rear dormer; installation of three rooflights in front roofslope and new window in gable end.  ▪ Application Type: Full Planning.  Alterations to roof to form end gable; first floor side extension; external alterations.  ▪ Application Type: Full Planning.	Delegated Refusal on 30.10.2023  Delegated Refusal on 09.01.2024	Dismissed 07.05.2024  Dismissed 07.05.2024
<b>17</b>	17A Boxtree Lane, Harrow Weald, Harrow, HA3 6JU	Appeal Ref: <a href="#">3328812</a>  LPA Ref: <a href="#">P/0320/23</a>	Single storey side extension with new roof over side entrance door to create additional habitable space to ground floor flat (1x2 bed).  ▪ Application Type: Full Planning.	Delegated Refusal on 31.05.2023	Allowed 05.04.2024
<b>18</b>	53 Moat Drive, Harrow, HA1 4RY	Appeal Ref: <a href="#">3335690</a>  LPA Ref: <a href="#">P/2362/23</a>	Alterations and extension to roof to form end gable; rear dormer; two rooflights in front roofslope; single storey rear extension; first floor side extension; external alterations (demolition of shed).  ▪ Application Type: Householder.	Delegated Refusal on 28.09.2023	Allowed 02.05.2024
<b>19</b>	40 Chestnut Drive, Harrow, HA3 7DJ	Appeal Ref: <a href="#">3340672</a>  LPA Ref: <a href="#">PL/0557/23</a>	Alterations and extension to roof to form end gable; rear dormer; three rooflights in front roofslope; single storey front and two storey side to rear extension; single storey rear extension; external alterations (demolition of attached garage and rear extension) (retrospective).  ▪ Application Type: Householder.	Delegated Refusal on 16.01.2024	Allowed 23.05.2024
<b>20</b>	36-37 Kenton Park Parade, Kenton Road, Harrow, HA3 8DW	Appeal Ref: <a href="#">3333697</a>  LPA Ref: <a href="#">P/1629/23</a>	Installation of canopy with timber flower bed to front elevation at ground floor level to be used for siting of six removable tables and twenty-four removable chairs between the times 12:00 to 21:00.  ▪ Application Type: Full Planning.	Delegated Refusal on 28.07.2023	Allowed 30.05.2024
<b>21</b>	1 and 13 The Coppins, Harrow Weald, Harrow, HA3 6DT	Appeal Ref: <a href="#">3328365</a>  LPA Ref: <a href="#">P/1083/23</a>	Alterations to form mansard roof to provide an additional floor to each No.1 and No.13.  ▪ Application Type: Householder.	Delegated Refusal on 07.06.2023	Allowed 02.05.2024

<b>22</b>	33 Chestnut Avenue, Edgware, Harrow, HA8 7RA	Appeal Ref: <a href="#">3337165</a>  LPA Ref: <a href="#">P/2377/23</a>	Replacement and installation of external insulation cladding (retrospective).  ▪ Application Type: Householder.	Delegated Refusal on 26.10.2023	Allowed 14.05.2024
<b>23</b>	108 Imperial Drive, North Harrow, Harrow, HA2 7HT	Appeal Ref: <a href="#">3332879</a>  LPA Ref: <a href="#">P/0816/23</a>	Conversion of dwelling into two flats (1 X 3 bed) and (1x2 bed); single and two storey side extension; single and two storey rear extension; front porch; alterations to roof; rear dormer; rooflights in front and side roofslopes; landscaping; external alterations (demolition of porch and detached garage).  ▪ Application Type: Full Planning.	Delegated Approval on 11.05.2023	Allowed 17.06.2024  Appellants Costs Award Accepted 17.06.2024
<b>24</b>	220 Byron Road, Wealdstone, Harrow, HA3 7TF	Appeal Ref: <a href="#">3335010</a>  LPA Ref: <a href="#">P/2409/23</a>	First floor side extension; two rear dormers; installation of two rooflights in front roofslope.  ▪ Application Type: Full Planning.	Delegated Refusal on 23.10.2023	Allowed 13.05.2024
<b>25</b>	9 Caddis Close, Stanmore, HA7 3TL	Appeal Ref: <a href="#">3333159</a>  LPA Ref: <a href="#">P/2029/23</a>	Variation of condition 2 (approved plans) attached to planning permission P/2860/21 dated 02/09/2021 to allow enlargement of lower ground floor level.  ▪ Application Type: Removal/Variation Condition(s).	Delegated Refusal on 05.09.2023	Allowed 22.05.2024
<b>26</b>	67 Drummond Drive, Stanmore, Harrow, HA7 3PH	Appeal Ref: <a href="#">3331571</a>  LPA Ref: <a href="#">P/3467/22</a>	Three detached bungalows; Access Road; Enlargement of vehicle access between 65 and 67 Drummond Drive; Landscaping; Parking and Electric charging points; Refuse storage.  ▪ Application Type: Full Planning.	Committee Overturn Refusal on 07.09.2023	Allowed 09.04.2024
<b>27</b>	Devonshire House, 582 Honeypot Lane, Stanmore, HA7 1JS	Appeal Ref: <a href="#">3326658</a>  LPA Ref: s <a href="#">P/4172/22</a>	Three Storey linked Office Building Fronting Garland Road (Use Class E); Landscaping and cycle storage.  ▪ Application Type: Full Planning.	Delegated Refusal on 01.02.2023	Allowed 28.05.2024
<b>28 (&amp; 29)</b>	Sunshine, 2 Temple Mead Close, Stanmore, Harrow HA7 3RG	Appeal A Ref: <a href="#">3339607</a>  LPA Ref: <a href="#">PL/0060/23</a>  Appeal B Ref: <a href="#">3330363</a>  LPA Ref: <a href="#">P/3445/21</a>	Alterations to roof to form two rear dormers.  ▪ Application Type: Householder.  Removal of conditions 1 (parking), 4 (no development otherwise fall within classes A to F), 5 (no development otherwise falling within classes A and B) and 6 (no windows doors in east elevation) attached to planning permission EAST/1332/01/CON dated 16/04/2002.  ▪ Application Type: Removal/Variation Condition(s).	Delegated Refusal on 23.01.2024  Delegated Refusal on 08.08.2023	Allowed 15.05.2024  Allowed 15.05.2024

## Summary of Appeal Decisions:

### 1. 201-205 High Road, Harrow, HA3 5EE (Appeal Ref: [3323530](#))

- 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 *“redevelopment to provide three storey building comprising of commercial unit to ground floor (Use class E) and seven residential units (1 X 3 bed and 6 X 2 bed) (Use class C3); bin and cycle stores.”*
- 1.2. The main issue of the appeal were (a) the design of the proposed development and its effect on the character and appearance of the area; (b) the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to outlook and privacy; (c) whether the proposed development would provide acceptable living conditions for future occupants, with regard to noise, odours and the provision of private amenity space; (d) provision of cycle parking.
- 1.3. On ground (a) design and character of the area, the inspectorate acknowledged the Council's opposition to the appeal proposal in terms of its design relates to it purportedly being overdeveloped due to its massing, form and composition. Commenting further that, the additional massing to the rear is mitigated by the fact it is tiered so that second floor has a smaller floor area than the first floor, which in turn is reduced in floor area compared to the ground floor.
- 1.4. The inspectorate observed the similarities between the proposed flat-roof part of the building and the flat-roofed commercial building on the opposite side of the intersection between High Road and Whitefriars Drive, commenting that they would be similar in scale and massing.
- 1.5. Moreover, the inspectorate highlighted that there was no single architectural style dominating the locality, the redevelopment of the site in a contemporary style was not objectionable in principle. Council's concerns over the use of balconies in its design not being characteristic of the area were overcome given that such design had been utilised in other flatted developments nearby and disregarded given the importance of providing amenity space in flatted developments.
- 1.6. As such, the inspectorate concluded on ground (a), the proposal does not create an incongruous or obtrusive form of development in terms of its architecture in this context, nor does it fail to respect the character or appearance of the area and complied with Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policy CS1.B of the Harrow Council's *'Core Strategy'* (2012), Policy D3 of the *'London Plan'* (2021), guidance contained within The *'National Planning Policy Framework'* (2023) and the Council's Supplementary Planning Document entitled *'Residential Design Guide'* (2010).
- 1.7. On ground (b), living conditions of neighbouring residents, the inspectorate acknowledged the Council's objections to the appeal proposal which centred on loss of outlook, a sense of enclosure for nearby residents.
- 1.8. The inspectorate observed the negative impact on residents at 2a Whitefriars Drive with regards to poor outlook, an unneighbourly sense of enclosure and ultimately a loss of privacy. Commenting further that the balcony serving unit 7 would overlook outdoor amenity spaces for residential units numbered 1, 3 and 4. Furthermore, five partially obscure-glazed windows serving unit 6 and 8 since they are openable adds to the overlooking issues and loss of privacy for the neighbours at 199 High Road.

- 1.9. On ground (c), occupant amenity, the inspectorate commented that units 6 and 8 offer future occupiers a poor outlook, unit 5 being adjacent to bedroom of unit 6 is likely to give rise to noise and disturbance issues and the balcony for unit 7 would create a vantage point from which the amenity spaces of units 3 and 4 would be overlooked.
  - 1.10. As such, the inspectorate concluded that on both grounds (b) and (c), the proposal would cause concerns with regards to overbearing, loss of outlook, and overlooking, contrary to Policies DM1 and DM42 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policies D3.D(7) and D6 of the *'London Plan'* (2021), and the Council's Supplementary Planning Document entitled *'Residential Design Guide'* (2010).
  - 1.11. On ground (d), cycle parking, the inspectorate acknowledged the Council's concerns with regards to access conflict, noise and disturbance for the ground floor occupiers and notice being correctly served on the Highways department regarding the location of the visitor cycle spaces.
  - 1.12. The inspectorate commented that, the concerns relate to transient noise generated over very short periods, rather than a permanent disturbance, and that the Highways Officer did not object to the appeal proposal on grounds of notices being served. As such, it was concluded that there was no conflict with Policy DM42 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), nor T5 of the *'London Plan'* (2021).
  - 1.13. The inspectorate commented further, appreciating that the proposal would be an acceptable energy-efficient design and would also contribute to the supply of housing in a sustainable location, however, concluded that he/she found unacceptable harm that fails to outweigh these benefits.
  - 1.14. Accordingly, it was concluded that this appeal ought to be dismissed.
- 2. Land next to 41 Hamilton Road, Harrow, HA1 1SX (Appeal Ref: [3324161](#))**
- 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 a *"single storey detached garage at land to rear of Nos.58 and 60 Nibthwaite Road, fronting Hamilton Road (retrospective demolition of garage)."*
  - 2.2. The main issues were the character and appearance of the area, and the Council's spatial strategy for growth in respect of development on garden land.
  - 2.3. The inspectorate observed that, properties along the street were set back from the pavement which created a sense of spaciousness, highlighting that the combination of the uniformity of design and the sense of spaciousness makes a significant contribution to the character and appearance of the area.
  - 2.4. The inspectorate commented that, although the proposal would be set back from the road, the scale, mass and bulk of the proposed garage would be incompatible with this setting.
  - 2.5. As such, the inspectorate concluded that, the proposal would appear as an overly dominant and incongruous feature in the streetscene that would be at odds with the prevailing uniform and spacious character and appearance of the area in conflict with Policy D3 of the *'London Plan'* (2021), Policy CS1.B of the Harrow Council's *'Core Strategy'* (2012), Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), and guidance contained within the Council's Supplementary Planning Document entitled *'Residential Design Guide'* (2010).

- 2.6. On topic of spatial strategy for growth, the inspectorate acknowledged guidance contained within the Council's Supplementary Planning Document entitled '*Garden Land Development*' (2013) and agreed that the appeal site meets the definition of garden land. The inspectorate clarified that domestic outbuildings do not constitute inappropriate development on garden land, concluding that the proposal would not undermine the Council's spatial strategy for growth or conflict with Policy CS1 of the Harrow Council's '*Core Strategy*' (2012) or guidance contained within the above-mentioned SPD.
- 2.7. Accordingly, it was concluded that this appeal ought to be dismissed.

**3. 22 Lawrence Crescent, Edgware, Harrow, HA8 5PD (Appeal Ref [3326247](#))**

- 3.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for "*use of outbuilding in rear garden as business storage (Use class B8) (retrospective).*"
- 3.2. The main issue were the effect of the development on the character of the local area and on the living conditions of the occupiers of neighbouring properties with particular regard to potential noise and general disturbance.
- 3.3. The inspectorate observed, the overall scale of the storage operation that could take place, and the level of activity associated with it, such as vehicle movements to and from the site, could therefore be significant. These characteristics set the use of the outbuilding clearly apart from that of a domestic outbuilding that is ancillary to a dwelling and typically found within a residential garden setting.
- 3.4. The inspectorate commented that, users of neighbouring gardens would be likely to hear noise from vehicle deliveries made to and collections from the site and possibly from within the outbuilding if the front roller shutter or back doors were to be left open. This irrespective the appellants indicating that delivery and collection times could be controlled, since activities might occur outside of these times or be more frequent than anticipated.
- 3.5. The inspectorate concluded, given that the storage use could attract a considerable number of vehicle movements at different times of the day, and noise might arise from loading, unloading, and moving items around inside the building, there is significant potential to cause undue noise and general disturbance to neighbouring occupiers.
- 3.6. As such, the development causes significant harm to the character of the local area and the living conditions of occupiers of neighbouring properties contrary to Policy D3 of the '*London Plan*' (2021), Policy CS1.B of the Harrow Council's '*Core Strategy*' (2012), Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013).
- 3.7. The inspectorate took note of the appellants argument that the outbuilding also provides valuable storage space to support the appellant's business and that there are wider benefits to the local economy. However, concluded that there was no convincing evidence before him that the use could not successfully operate elsewhere if the appeal were to be dismissed. These considerations and the benefits identified by the appellant did not outweigh the significant harm that I have identified.
- 3.8. Accordingly, it was concluded that this appeal ought to be dismissed.



**4. 43 Parkside Way, Harrow, HA2 6DE (Appeal Ref: [3334945](#))**

- 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 a *“two-storey side to rear extension; single storey rear extension; external alterations (demolition of attached garage).”*
- 4.2. The main issue was the effect of the development on the living conditions of neighbouring residents.
- 4.3. The inspectorate acknowledged the Council's concerns on the grounds that the proposed extensions would cause harmful visual intrusion and overbearing impacts when viewed from the rear of the neighbouring property at 45 Parkside Way.
- 4.4. The inspectorate commented that, the 45-degree test is clear in that a 45-degree line, both vertically and horizontally, should be taken from the centre point of the window, whereas the proposed site plan shows the line drawn from the furthest point away from the proposed extensions.
- 4.5. The inspectorate observed, when taken from the centre point of the kitchen windows of 45 Parkside Way, the two-storey rear extension fails the 45-degree test both vertically and horizontally, therefore failing the light restriction test overall.
- 4.6. With regards to the extension, the inspectorate further commented, he/she considers the height and length of the single storey element of the extension would create an oppressive outlook and a feeling of being hemmed in when experienced from the kitchen of 45 Parkside Way.
- 4.7. The inspectorate concluded that, the extensions in terms of their length, height and proximity to the boundary with the neighbouring property would have a harmful overbearing impact and cause light restriction into the rear kitchen windows as a primary habitable room of 45 Parkside Way.
- 4.8. As such, the proposal conflicts with Policy DM1 of the London Borough of Harrow Council's *‘Development Management Policies’* (2013), Policy D3.D(7) of the *‘London Plan’* (2021), Policy CS1.B of the *‘Harrow Core Strategy’* (2012), guidance contained within Paragraph 135 of the *‘National Planning Policy Framework’* (2023) and the Council's Supplementary Planning Document entitled *‘Residential Design Guide’* (2010).
- 4.9. Accordingly, it was concluded that this appeal ought to be dismissed.

**5. 25 Whitchurch Gardens, Edgware, Harrow, HA8 6PF (Appeal Ref: [3336644](#))**

- 5.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for *“alterations and extension to form flat roof over first floor side extension; external alterations (demolition of side hipped roof).”*
- 5.2. The main issue was the effect of the proposal on the character and appearance of the house and this part of Whitchurch Gardens.
- 5.3. The inspectorate acknowledged guidance contained within the Council's Supplementary Planning Document entitled *‘Residential Design Guide’* (2010) whereby it stresses the importance of roof design, normally requiring 2 storey extensions to have pitched roofs that would reflect both the material and design of the existing roof.

- 5.4. The inspectorate observed that the proposed replacement flat roof would be widely visible in the street scene, commenting that it would be an unsympathetic feature, reducing the attractiveness of the house. The inspectorate further commented that, the proposed high level flat roof would be a prominent and incongruous feature which would detract from the street scene, despite the general architectural variation here.
- 5.5. The inspectorate concluded that the proposal would unacceptably harm the character and appearance of both the house and this part of Whitchurch Gardens. As such, conflicts with policy D3(D1 and D11) 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) and the objectives of the '*National Planning Policy Framework*' (2023).
- 5.6. The inspectorate took note of the Council's concerns with regards to the property being sited near to the Canons Park Conservation Area and a Grade II Listed registered Park and Garden, however, commented that the house is set away from these heritage assets so that their settings would be preserved and that these concerns were a neutral factor in the decision.
- 5.7. Additionally, the case put before the inspectorate by the appellant claiming that the proposal was/is a sustainable solution to the use of the property to meet the needs of the family, refurbishing and upgrading the roof and allowing for easier maintenance did not override the inspectorate's conclusion.
- 5.8. Accordingly, it was concluded that this appeal ought to be dismissed.

**6. 367A Station Road, Harrow, HA1 2AW (Appeal Ref: [3325685](#))**

- 6.1. The appeal made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for a "*additions and alterations including four storey rear extension, additional storey and conversion of existing first and second floor flat to provide 5x1bed flats and 1x studio/office*".
- 6.2. The main issues were (a) the design of the development and its effect on the character and appearance of the street scene and a locally listed building; (b) whether the proposed development would provide acceptable living conditions for future occupants, with particular reference to bedroom sizes, quality of outlook, access to light and ventilation, privacy, defensible space in front of bedroom windows and provision of external private amenity space; (c) the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to overbearing, loss of outlook, and privacy loss; (d) whether the proposed development would provide sufficient cycle parking and waste storage.
- 6.3. On ground (a), design and character of the area and impact on locally listed building, the inspectorate commented that the extensions were designed with no subservience to the host building, resulting in a cramped and disproportionate addition to the rear of the building which would severely compromise its character and appearance, appearing dominant and overbearing due to its size and scale.
- 6.4. As such, the proposal on ground (a) conflicts with Policies DM1 and DM7 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policies D3.D(1), D3.D(11) and HC1 of the '*London Plan*' (2021), Policy CS1 of the '*Harrow Core Strategy*' (2012), Policies APP1, APP2 and

AAP4 of the Harrow and Wealdstone Area Action Plan (2013) and the Council's Supplementary Planning Document entitled '*Residential Design Guide*' (2010).

- 6.5. The inspectorate acknowledged the appellants statement of case whereby it was claimed that the removal of the roof structure and new one would not easily visible from the street, the inspectorate disagreed on both counts, commenting further that the loss of the dual-pitched roof for a larger and bulkier flat-roof structure would be harmful to the character and appearance of the area and the locally listed building.
- 6.6. Additionally, the inspectorate acknowledged the appellants statement of case claims that precedent had been established by nearby buildings given similarities, the inspectorate disagreed, commenting that, extensions at another property, no matter how similar they may be, do not set a precedent for the appeal proposal because they were not assessed against the same local and national planning policies.
- 6.7. On ground (b), effect on living conditions for future occupants, the inspectorate commented that the narrow width of the building and its proximity to its terraced neighbours on either side would create privacy issues for future occupiers which is a symptom of a contrived configuration of the building and exacerbate the poor outlook with bedroom that had very little access to natural daylight.
- 6.8. As such, the proposal on ground (b) conflicts with Policies DM1 and DM26 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policies D3.D(7) and D6 of the '*London Plan*' (2021), Policy CS1 of the '*Harrow Core Strategy*' (2012).
- 6.9. On ground (c), effect on living conditions of neighbouring residents, the inspectorate commented that regardless the disagreements over occupancy of neighbouring buildings, the four-storey extension would fail the 45-degree code which would result in harm to the residents of the flat at 369 Station Road by causing light restriction into their windows serving habitable rooms and creating an unacceptable overbearing impact.
- 6.10. As such, the proposal on ground (c) conflicts with Policies DM1 and DM26 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policies D3.D(7) and D6 of the '*London Plan*' (2021), Policy CS1 of the '*Harrow Core Strategy*' (2012).
- 6.11. On ground (d), cycle parking and waste storage, the inspectorate acknowledged the appellants statement of case claiming that the rear of the ground floor unit could be utilised for cycle parking and waste storage to be secured by a planning condition. However, the inspectorate commented that this would contradict the proposed floor plans upon which the Council determined the application that states the room would be retained as a shop, secondly it would be impractical for the room in question to be used for storage of both waste and cycles.
- 6.12. As such, the proposal on ground (d) conflicts with Policies DM1, DM42 and DM45 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policies T5 and D6.E of the '*London Plan*' (2021), Policy CS1 of the '*Harrow Core Strategy*' (2012) and Policy AAP19 of the Harrow and Wealdstone Area Action Plan (2013).
- 6.13. Accordingly, it was concluded that this appeal ought to be dismissed.

**7. 6 Pinner Green, Pinner, Harrow, HA5 2AA (Appeal Ref: [3326230](#))**

- 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 *“change of use of rear part of ground floor Retail Unit (Class E) to Studio flat (Class C3); Single storey rear extension; External alterations; Parking; Refuse and Cycle storage.”*
- 7.2. As a preliminary matter, the inspectorate highlighted that the description of the proposed development included on the application form contained additional details which related to matters which are not acts of development, as such they have been removed.
- 7.3. The main issue were whether the proposed development would (a) provide acceptable living conditions for future occupants, with particular regard to outlook and ventilation, and (b) the effect of the proposal on the vitality and viability of the existing use of the appeal property or the existing commercial parade.
- 7.4. On ground (a), living conditions for future occupants, the inspectorate commented he/she was satisfied that the proposal would provide adequate ventilation. However, the proposed studio would have only a single aspect to the rear and this being upwards (lantern). The inspectorate concluded that, such an arrangement would not provide a reasonable outlook from habitable rooms and would have a detrimental impact on the living conditions of future residents.
- 7.5. As such, the proposal on ground (a) conflicts with Policy DM1 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013), Policy D3 of the *‘London Plan’* (2021), the Mayor of London Housing Supplementary Planning Guidance (2016) and the Council’s Supplementary Planning Document entitled *‘Residential Design Guide’* (2010).
- 7.6. On ground (b), vitality and viability, the inspectorate commented the proposed arrangement with the beauty salon to the front and the proposed studio behind would be acceptable since the residential use residential use would be located behind the area to be retained and would be imperceptible when viewed from the street.
- 7.7. As such, the proposal on ground (b) adheres with Policy CS1.M of the *‘Harrow Core Strategy’* (2012) Policy DM38.B of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013), Policy E9 of the *‘London Plan’* (2021).
- 7.8. Accordingly, it was concluded that this appeal ought to be dismissed.

**8. 95 Howberry Road, Harrow, Edgware, HA8 6TG (Appeal Ref: [3329305](#))**

- 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 *“redevelopment to provide two-storey (5 bed) dwelling with habitable roofspace; landscaping; bin and cycle stores.”*
- 8.2. As a preliminary matter, the inspectorate highlighted amended plans had been submitted as part of this appeal and accepted by him/her, and that accepting the plan would not cause any unlawful procedural unfairness to any parties. The submitted plans revealed that 87% of internal floor to ceiling heights within the proposed property would be 2.5m. As such, the inspectorate had been satisfied that the plans submitted addressed the Council’s second reason for refusal.

- 8.3. The main issue was the effect of the proposed development on the character and appearance of the area and the significance of Cannons Park Conservation Area.
- 8.4. The inspectorate observed that both parties were not objecting to the principle of development, nor the fact the existing bungalow did not reflect the architectural style of other nearby properties.
- 8.5. Despite the above, the inspectorate did observe concerns with regards to its siting and design, in particular its set back from the northern boundary was not significant, and the roof type resulted in an eaves height that would be significantly higher, in places, than neighbouring properties, which would result in greater massing at first floor level. The inspectorate commenting further that, the proposed design coupled with a palette of materials that are unique to the area would increase the prominence of the building within the street scene and at the northern elevation that faces the boundary shared with the Conservation Area.
- 8.6. As such, the proposal conflicted with Policy CS1 of the '*Harrow Core Strategy*' (2012), Policies DM1 and DM7 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policies D3 and HC1 of the '*London Plan*' (2021), and guidance contained within Paragraph 202 of the '*National Planning Policy Framework*' (2023).
- 8.7. The inspectorate acknowledged the appellants statement of case drawing attention to what they perceived as similar development opposite the road (97 Howberry Road), however, the inspectorate commented that it was apparent that those extensions had been designed to reflect their respective host properties in terms of massing, roof form, design and external materials, which does not form a direct comparison to the appeal proposal. The inspectorate further cited that any extant permissions which were less a degree of development to that proposed here would not alter his/her decision on the current appeal before them.
- 8.8. Accordingly, it was concluded that this appeal ought to be dismissed.

**9. 6A Camrose Avenue, Edgware Harrow, HA8 6EG (Appeal Ref: [3329519](#))**

- 9.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for "*demolition of existing side extension and redevelopment of the site to provide a detached bungalow with habitable roofspace and rear dormer; landscaping; bin and cycle stores.*"
- 9.2. The main issue was (a) the suitability of the site for a dwelling; and (b) the effect of the proposed dwelling upon the character and appearance of the area, with particular regard to its siting, scale and design.
- 9.3. On ground (a), suitability of the site for a dwelling, the inspectorate acknowledged guidance contained within the Council's Supplementary Planning Document entitled '*Garden Land*' (2013) whereby it stresses that the Council's residential strategy is to focus new housing on previously developed and strategic sites where services and facilities are most readily available, where regeneration benefits would be greatest and where developer contributions to infrastructure improvements could be most readily pooled to deliver the optimum benefits.

- 9.4. The inspectorate took note of the appellants argument that the appeal site is in separate ownership to No's 4 and 6 Camrose Avenue, and that satellite imagery dating back to 2008 show that the appeal site had not been used as garden over that period of time. The inspectorate commented that, although it was clear that it is not being used as garden at present, this does not necessarily mean that its planning use as garden has been lawfully changed.
- 9.5. The inspectorate concluded on ground (a) that the appeal site is likely to be garden and as such would not be a suitable site for a new dwelling, in doing so would fall conflict with Policy CS1 of the '*Harrow Core Strategy*' (2012) and objectives of the Council's Supplementary Planning Document entitled '*Garden Land*' (2013) and guidance contained within Paragraph 72 of the '*National Planning Policy Framework*' (2023).
- 9.6. On ground (b), character and appearance of the area, the inspectorate observed that there would be very little separation between the proposal and the adjoining pairs of semi-detached properties, and its siting would be significantly at odds with the much wider spaces between these two pairs of semi-detached properties.
- 9.7. The inspectorate commented that, the scale of the proposal and its gabled design would harmfully contrast against the form, arrangement, and hipped roofs of the properties it would sit between, concluding that it created an incongruous appearance and unbalancing the relative symmetry and cohesion that exists at present between their matching forms.
- 9.8. As such, the proposal conflicted with Policy CS1 of the '*Harrow Core Strategy*' (2012), Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policy D3 of the '*London Plan*' (2021) and guidance contained within Paragraph 135 of the '*National Planning Policy Framework*' (2023) and the Council's Supplementary Planning Document entitled '*Residential Design Guide*' (2010).
- 9.9. The inspectorate took note of the appellants statement of case regarding its siting in a well-connected area, satisfying minimum size requirements, provisions for vehicular parking, secure cycle storage, and refuse facilities and being built to Accessible Homes standards. These points were acknowledged by the inspectorate who further expressed that these were requirements of any well-designed scheme, as such they are neutral factors that do not weigh in favour or against the proposal.
- 9.10. The inspectorate took note of the appellants statement of case regarding much needed smaller dwelling, and presumption in favour of sustainable development, including its economic, environmental, and social role. The inspectorate commented, an additional dwelling would make a limited contribution to the overall supply of housing within the Borough, notwithstanding this, its location would be contrary to the Council's residential strategy, and it would be harmful to the character and appearance of the area.
- 9.11. Accordingly, it was concluded that this appeal ought to be dismissed.

**10. 11 Tavistock Road, Edgware, HA8 6DF (Appeal Ref: [3330518](#))**

- 10.1. 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 three flats (2 X 1 bed and 1 X 1 bed); single and two storey side extension; single storey rear extension; separate amenity space; parking; landscaping; bin and cycle stores.*"

- 10.2. The main issues were (a) the effect of the proposed development on the character and appearance of the host building and its surroundings; and (b) the living conditions for future occupiers of the proposed flats and the occupiers of No. 9 Tavistock Road.
- 10.3. On ground (a), the character and appearance, the inspectorate commented the infill extension and the permitted development/prior approval additions allowed under the PD scheme, the cumulative impact of the appeal proposal would result in a building of a size and form that would imbalance the semi-detached pair of dwellings with No. 9.
- 10.4. More importantly, the inspectorate highlighted, the extended building would draw the eye as being bulky, unduly dominant and visually intrusive. Concluding that, these effects would be not only due to the excessive scale for this modestly sized plot with its tapered shape, but also as a result of the development being on a corner plot. Further agreeing with the Council that the sub-division of the rear garden, three parking spaces, a cycle store and a bins area all to the front, and therefore part of the street scene, as making a negative contribution to the appearance of the site and this part of Tavistock Road.
- 10.5. As such, the proposal on ground (a) conflicts with Policies DM1, DM23, DM26, DM42 and DM45 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policy CS1.B of the Harrow Core Strategy (2012), Policies D1 D3, D6, D11 and T5 of the *'London Plan'* (2021), and guidance contained within Paragraph 202 of the *'National Planning Policy Framework'* (2023).
- 10.6. On ground (b), living conditions for future occupiers, the inspectorate agreed with the Council's objection as regards the adverse effect of the rear extension on the outlook and light for No. 9. Observing that, there is a full height glazed double door to the living area of that dwelling which would be significantly affected by the rear extension in respect of undue enclosure and loss of light, including morning sunlight. Despite this, the inspectorate concluded it would not in itself be a deciding factor in the appeal due to the existence of Permitted Development scheme being utilised as a fallback option which has the same effect.
- 10.7. As such, the proposal on ground (b) would not conflict with Policies DM1, DM26 and DM27 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policies D3, D6, D7, D8 and D10 of the *'London Plan'* (2021), or guidance contained within Paragraph 130 of the *'National Planning Policy Framework'* (2023).
- 10.8. Accordingly, it was concluded that this appeal ought to be dismissed.

**11. 3 Warden Avenue, Rayners Lane, Harrow, HA2 9LP (Appeal Ref: [3341897](#))**

- 11.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for *"change of use of outbuilding at rear from gym to annexe ancillary to dwelling (retrospective)."*
- 11.2. The main issue is the use of the outbuilding as regards its form of occupancy.
- 11.3. The inspectorate observed, during his site inspection that the outbuilding had been fitted out to a high standard and includes a kitchen/living area and a bathroom, noting officers concerns that at one point

there included a bed but since been removed. On this basis, the inspectorate commented that the outbuilding has all the necessary facilities for comfortable self-contained living.

- 11.4. The inspectorate further drew attention to the pedestrian access via a narrow area immediately to the side of the outbuilding from the shared accessway, this access was considered entirely unnecessary for the outbuilding's use as accommodation ancillary to the host dwelling by the inspectorate.
- 11.5. The inspectorate commented that he considered it is reasonable for the Council to come to the conclusion that change of use of the outbuilding could fall within the ambit of 'garden land development'. Affirming that the Council were in fact correct to find that on the balance of probability there may well be an independent use, this largely because in the appeal application there was no such evidence forthcoming, and when combined with the fact that the accommodation can be accessed and used entirely separately from No. 3 Warden Lane.
- 11.6. As such, the inspectorate concluded that there was in fact conflict with guidance contained within the Council's Supplementary Planning Document entitled '*Garden Land Development*' (2013) and Policy CS1 of the Harrow Council's '*Core Strategy*' (2012), relevant policies from within the London Borough of Harrow Council's '*Development Management Policies*' (2013), the '*London Plan*' (2021), and guidance contained within the '*National Planning Policy Framework*' (2023).
- 11.7. The inspectorate disregarded the appellant's argument that the Council is unable to raise issue on potential for independent use of an outbuilding since the application had been processed under the Householder procedure.
- 11.8. Accordingly, it was concluded that this appeal ought to be dismissed.

**12. 31 Cheyneys Avenue, Canons Park, Harrow, HA8 6SA (Appeal Ref: [3339765](#))**

- 12.1. 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 "*single storey front extension; single storey side to rear extension; external alterations (demolition of garage and side extension).*"
- 12.2. The main issues were (a) the character and appearance of the house and this part of Cheyneys Avenue; and (b) the living conditions at No 33 next door, in terms of outlook and light.
- 12.3. On ground (a), the character and appearance, the inspectorate acknowledged the Council's concern in regard to this issue is that the new front section would detract from local character due to its bulk, siting and false pitched roof.
- 12.4. The inspectorate acknowledged and highlighted guidance contained within the Council's Supplementary Planning Document entitled '*Residential Design Guide*' (2010) whereby it allows, that small front porches and garage extensions may be permitted provided that they (amongst other things) reflect and complement the scale, design, quality and pattern of development in the surrounding street scene.
- 12.5. The inspectorate observed and commented that, the proposed front extension would be minor in scale and nature and would be very similar in design to many other extensions nearby, where porches and garages have been linked in much the same way, features which have become an established part



of local character. The inspectorate concluded that the proposal would be a subsidiary feature of the building, set back from the street sufficiently so that it would not be prominent or intrusive, fitting comfortably into the street scene.

- 12.6. As such, the proposal on ground (a) adhered with Policy CS1(B) of the *'Harrow Core Strategy'* (2012), Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policy D3(D1 and D11) of the *'London Plan'* (2021) and guidance contained within the *'National Planning Policy Framework'* (2023).
- 12.7. On ground (b), living conditions at No 33, the inspectorate commented that, the rear extension would, tend to dominate the outlook from the adjacent part of No 33's back garden. Concluding that, it would also sit to the south of No 33's garden where it would cause a substantial loss of direct sunlight, particularly in winter months when the sun is low in the sky.
- 12.8. As such, the proposal on ground (b) conflicted with Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policy D3(D7) of the *'London Plan'* (2021) and guidance contained within the Council's Supplementary Planning Document entitled *'Residential Design Guide'* (2010).
- 12.9. The inspectorate acknowledged the appellants statement of case referring to other similar rear extensions being allowed in the local area, however, commented that he/she did not have details of those developments and had in fact assessed this proposal on its own merits, in light of current policies.
- 12.10. Accordingly, it was concluded that this appeal ought to be dismissed.

### **13. Hillfield, Mount Park Road, Harrow, HA1 3JR (Appeal Ref: [3330987](#))**

- 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 a *"detached single and two storey dwellinghouse at rear with accommodation in roof; Vehicle Access; Parking; Landscaping; Refuse storage."*
- 13.2. As a preliminary matter, the inspectorate had highlighted that he/she had taken into consideration in their assessment the appeal decision granted for the erection of a detached outbuilding for use as ancillary accommodation (APP/M5450/W/20/3257600).
- 13.3. The main issue were (a) whether the proposed development would conflict with the local policy of restricting the development of garden land; and (b) the effect on the character and appearance of the area.
- 13.4. On ground (a), restricting the development of garden land, the inspectorate observed and commented that the appeal site forms garden land and the proposal is for garden land development, in the form of a new dwelling. The inspectorate concluded that, the principle of the development would conflict with the local policy of restricting the development of garden land.
- 13.5. As such, the proposal on ground (a) conflicted with Policy CS1 of the Harrow Council's *'Core Strategy'* (2012) and guidance contained within the Council's Supplementary Planning Document entitled *'Garden Land Development'* (2013).

- 13.6. On ground (b), character and appearance of the area, the inspectorate acknowledged that the Council had not identified any harm in terms of the overall external appearance of the development. The inspectorate also did not find that it would compromise or cause harm to the spatial character or layout of the area, a character which is derived from, amongst other things, generous plot sizes and mature garden vegetation.
- 13.7. The inspectorate concluded that, the development would not result in harm to the character and appearance of the area, the character or appearance of the Mount Park Conservation Area, and the setting of the non-designated heritage asset of Hillfield.
- 13.8. As such, the proposal on ground (b) adhered with Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), with Policy CS1 of the Harrow Council's *'Core Strategy'* (2012), Policy D3 of the *'London Plan'* (2021).
- 13.9. Accordingly, it was concluded that this appeal ought to be dismissed.

**14. 40A Somervell Road, Harrow, HA2 8TT (Appeal Ref: [3334116](#))**

- 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 *"redevelopment to provide two storey building comprising of eight self-contained flats (8 X 2 bed); landscaping; boundary treatment; parking; bin and cycle stores."*
- 14.2. As a preliminary matter, the subject site relates to the plots of two semi-detached bungalows set within their gardens, the inspectorate has determined the appeal on the basis that the appeal site includes both plots (40A Somervell Road and 1 Carlyon Avenue) since the planning portal allowed the applicant/appellant to only select a single site address to be added.
- 14.3. The main issue were (a) whether the proposed development would be appropriately located having regard to the spatial strategy of the area; (b) the effect of the proposal on the character and appearance of the area; (c) the effect of the development on the residential amenity of the occupants of 42 Somervell Road with particular regard to outlook; (d) whether the development would provide acceptable living conditions for future occupants with particular regard to privacy.
- 14.4. On ground (a), spatial strategy of the area, the inspectorate observed and commented that new residential development should not comprise garden land development. Concluding that, the development would not be appropriately located having regard to the spatial strategy of the area, as it would represent garden land development.
- 14.5. As such, the proposal on ground (a) conflicted with Policies CS1.A and CS1.B of the Harrow Council's *'Core Strategy'* (2012) and guidance contained within the Council's Supplementary Planning Document entitled *'Garden Land Development'* (2013).
- 14.6. On ground (b), character and appearance, the inspectorate observed and commented that, the building would be appreciably higher than neighbouring properties, and despite efforts to break up the flank elevation the overall width, scale and massing would not be in keeping with other properties in the area. Concluding that, due to its substantial scale and coverage across the plot, the development would be detrimental to the consistent and harmonious arrangement of dwellings and spaces in the locality.

- 14.7. As such, the proposal on ground (b) conflicts with Policies DM1, DM22 and DM23 of the London Borough of Harrow Council's 'Development Management Policies' (2013), Policy CS1 of the Harrow Council's 'Core Strategy' (2012) Policy D3 of the 'London Plan' (2021), and guidance contained within the 'National Planning Policy Framework' (2023).
- 14.8. On ground (c), the residential amenity of the occupants of 42 Somervell Road, the inspectorate commented and concluded that, the building would be sited in such a way that would allow for a sufficient separation distance between it and No.42 to adequately mitigate its impact on the outlook of the occupants of No.42 from their rear garden.
- 14.9. As such, the proposal on ground (c) adhered with requirements under Policy CS1 of the 'Harrow Core Strategy' (2012), Policy DM1 of the London Borough of Harrow Council's 'Development Management Policies' (2013), Policy D3 of the 'London Plan' (2021), and guidance contained within the 'National Planning Policy Framework' (2023).
- 14.10. On ground (d), the living conditions for future occupants, the inspectorate commented that, the proposed balconies and terraces meet outdoor space requirement for each flat and the communal garden areas are in addition to the minimum standard requirement. The inspectorate concluded that, due to the position of the building within the plot, each terrace and balcony would be set back from the street. This would allow for a degree of separation and enhanced privacy for future occupants.
- 14.11. As such, the proposal on ground (d) adhered with requirements under Policy DM1 of the London Borough of Harrow Council's 'Development Management Policies' (2013), Policy D3 of the 'London Plan' (2021), and guidance contained within the 'National Planning Policy Framework' (2023).
- 14.12. Accordingly, it was concluded that this appeal ought to be dismissed.

**15. 51A Tudor Road, Harrow, HA3 5PQ (Appeal A Ref: [3294390](#))**

- 15.1. Appeal A was made under Section 78 of the Town and Country Planning Act 1990, against a refusal against a refusal to grant planning permission for "*alterations to roof to form end gable and rear dormer; installation of three rooflights in front roofslope and new window in gable end.*"
- 15.2. As a preliminary matter, the inspectorate highlighted that since there were two appeals on this site which differ only in the detail of the design of the proposals, and to avoid duplication he/she has dealt with the two schemes together, considering each proposal on its individual merits.
- 15.3. The main issue, common to both cases is the effect of the proposals on the character and appearance of the host property and the area.
- 15.4. On appeal A, the inspectorate observed that, the proposal includes the alteration of the existing hipped roof to a gable. commenting that due to the loss of the hipped roof profile to be replaced by a gable and the scale of the proposed development it would appear as a prominent and incongruous feature against the existing uniform and balanced roof form.
- 15.5. The inspectorate further commented and concluded, since the extension would not appear proportionate or noticeably subservient to the host building, the bulky design of the proposed rear dormer would disrupt the existing balanced appearance of the existing row of properties, which on

this prominent corner plot, would dominate the existing building and appear as an obtrusive and discordant feature in the street scene.

15.6. As such, the proposal on Appeal A conflicts with Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policy CS1.B of the Harrow Council's *'Core Strategy'* (2012) Policy D3 of the *'London Plan'* (2021), and guidance contained within the *'National Planning Policy Framework'* (2023) and the Council's Supplementary Planning Document entitled *'Residential Design Guide'* (2010).

15.7. Accordingly, it was concluded that both Appeals A and B ought to be dismissed.

**16. 51A Tudor Road, Harrow, HA3 5PQ (Appeal B Ref: [3338054](#))**

16.1. Appeal B was made under Section 78 of the Town and Country Planning Act 1990, against a refusal against a refusal to grant planning permission for *"alterations to roof to form end gable; first floor side extension; external alterations."*

16.2. As a preliminary matter, the inspectorate highlighted that since there were two appeals on this site which differ only in the detail of the design of the proposals, and to avoid duplication he/she has dealt with the two schemes together, considering each proposal on its individual merits.

16.3. The main issue, common to both cases is the effect of the proposals on the character and appearance of the host property and the area.

16.4. On appeal B, the inspectorate observed the differences in detail, in particular the absence of a rear dormer and instead a first-floor side extension which had been set down from the ridge of the roof and set back from the front elevation, appearing subservient. Despite this, the inspectorate commented on the proposed gable end, citing the effects of the incongruous design of this element and how it would unbalance the roof profile of the existing row of properties. The inspectorate concluded that, the proposal would be highly prominent within the street and would appear disproportionate when viewed from a number of public vantage points.

16.5. As such, the proposal on Appeal B conflicts with Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policy CS1.B of the Harrow Council's *'Core Strategy'* (2012) Policy D3 of the *'London Plan'* (2021), and guidance contained within the *'National Planning Policy Framework'* (2023) and the Council's Supplementary Planning Document entitled *'Residential Design Guide'* (2010).

16.6. Accordingly, it was concluded that both Appeals A and B ought to be dismissed.

**17. 17A Boxtree Lane, Harrow Weald, Harrow, HA3 6JU (Appeal Ref: [3328812](#))**

17.1. 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 with new roof over side entrance door to create additional habitable space to ground floor flat (1x2 bed)."*

17.2. The main issue was whether the development would provide adequate living conditions for residents at the appeal property.

- 17.3. The inspectorate acknowledged the Council's concerns and refusal grounds on the basis that the room denoted as a study on the floor plans could be utilised as an additional bedroom, thus creating a three-bedroom flat which would fail the minimum space standards for three-bedroom properties.
- 17.4. The inspectorate observed the proposed flats Gross Internal Area as being 65.45sqm (with the addition of the extension) or 53.82sqm (without the extension). The inspectorate commented that in its current form the proposal fails the space standards which should be at 61sqm for three persons or 70sqm for four persons. Despite this, the inspectorate emphasised that the space standards are to be applied only to new dwellings only, rather than existing ones.
- 17.5. The inspectorate concluded that, whilst the additional room could theoretically be used as a third bedroom, the actual outcome is an enlargement to a currently under-sized flat which would provide additional accommodation and greater flexibility for the use of the flat, leading to a betterment in living conditions for the occupants.
- 17.6. As such, the proposal would comply with requirements under Policies DM1 and DM26 of the London Borough of Harrow Council's '*Development Management Policies*' (2013) and Policy D3.D(7) of the '*London Plan*' (2021), as well as guidance contained within Paragraph 56 of the '*National Planning Policy Framework*' (2023).
- 17.7. Accordingly, it was concluded that the appeal ought to be allowed.

**18. 53 Moat Drive, Harrow, HA1 4RY (Appeal Ref: [3335690](#))**

- 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 "*alterations and extension to roof to form end gable; rear dormer; two rooflights in front roofslope; single storey rear extension; first floor side extension; external alterations (demolition of shed).*"
- 18.2. The main issue was the effect of the development on the character and appearance of the host dwelling and the street scene.
- 18.3. The inspectorate took note of the Council's concerns and refusal grounds over the first-floor side extension and the hip-to-gable roof extensions being excessively wide, bulky and dominant in the street scene.
- 18.4. The inspectorate observed that, the bulk, scale and height of the proposed hip-to-gable extension and first floor side extension would be acceptable because it would be set down from the main ridge line of the semi-detached properties to ensure a subservient appearance in the street scene. Moreover, only partial views of the first-floor side extension and hip-to-gable extension at certain angles would be available in the space between the appeal site and the property and the amount of space between the dwelling and its neighbour would remain the same, therefore the extensions would not create a terracing effect.
- 18.5. As such, the inspectorate concluded that the proposal adhered with requirements of Policy CS1.B of the '*Harrow Core Strategy*' (2012), Policy DM1 A., DM1 B of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policy D3.D of the '*London Plan*' (2021), and the Council's Supplementary Planning Document entitled '*Residential Design Guide*' (2010).

18.6. Accordingly, it was concluded that the appeal ought to be allowed.

**19. 40 Chestnut Drive, Harrow, HA3 7DJ (Appeal Ref: [3340672](#))**

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 *“alterations and extension to roof to form end gable; rear dormer; three rooflights in front roofslope; single storey front and two storey side to rear extension; single storey rear extension; external alterations (demolition of attached garage and rear extension) (retrospective).”*

19.2. The main issue was the effect of the development on the character and appearance of the host dwelling, the semi-detached pair with No.42 and their immediate surroundings.

19.3. The inspectorate observed that this appeal seeks to address the previous reasons for refusal (LPA Ref: P/1385/23) through the introduction of a gable end to the two-storey side extension. The inspectorate also observed the combination of the above development and the side extension as built reads awkwardly in the Chestnut Drive street scene and that such conflicts could be resolved through the amendments sought here.

19.4. The inspectorate commented that, since this proposal comprises works to one half of a semi-detached pair with No. 42, the extensions (both as already constructed and as proposed to be amended) need to be assessed as regards ‘the building as a whole’, this being both houses together. The inspectorate commented that the neighbouring property benefits from a dormer (LPA Ref: P/4554/19) and the proposal here and the presence of the dormer has the benefit of balancing that at No. 42 in both front and rear views.

19.5. The inspectorate concluded that, in itself the hip to gable roof extension at No. 40 has an essentially neutral impact the ‘the building as a whole’, which in light of the set-down and set-back of the extension is taken into account together with the reasonable gap to the side gable of No. 38, he considers that the development as a whole would be seen as acceptable in the street scene.

19.6. As such, the inspectorate concluded that the proposal adhered with requirements of Policy CS1.B of the ‘*Harrow Core Strategy*’ (2012), Policy DM1 of the London Borough of Harrow Council’s ‘*Development Management Policies*’ (2013), Policy D3: D1 & 11) of the ‘*London Plan*’ (2021), and the Council’s Supplementary Planning Document entitled ‘*Residential Design Guide*’ (2010).

19.7. Accordingly, it was concluded that the appeal ought to be allowed.

**20. 36-37 Kenton Park Parade, Kenton Road, Harrow, HA3 8DW (Appeal Ref: [3333697](#))**

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 *“installation of canopy with timber flower bed to front elevation at ground floor level to be used for siting of six removable tables and twenty-four removable chairs between the times 12:00 to 21:00.”*

20.2. The main issues were (a) the effect of the proposal on character and appearance; and (b) the living conditions of neighbours.

- 20.3. On ground (a), character and appearance, the inspectorate observed and commented that, elements proposed would introduce a degree of enclosure to the forecourt, however, they would not be unacceptably obtrusive or uncharacteristic for the area with regards to its distance to the edge of the pavement, design, height and material use.
- 20.4. The inspectorate concluded that, the proposal would not be so dominant to harm the appearance of the host property or uncharacteristic to unacceptably detract from the varied character and appearance of the area.
- 20.5. As such, the proposal on ground (a), adhered with requirements of Policy CS1 of the '*Harrow Core Strategy*' (2012), Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policy D3 of the '*London Plan*' (2021).
- 20.6. On ground (b), living conditions of neighbours, the inspectorate observed the appeal property fronts a busy distributor road (A406) with vehicular traffic and nearby restaurants and an adjoining tyre fitting premises, all of which contribute towards high levels of ambient background noise.
- 20.7. The inspectorate commented that, the proposed seating area is likely to be dictated by the weather, that it would not be in use during late evening and night time when nearby residents are likely to be resting or sleeping, and that its proposed hours of use would be limited till evening only and secured by a condition which is appropriate mitigation to safeguard nearby residents from noise and disturbance.
- 20.8. As such, on ground (b), the inspectorate concluded that the proposal adhered with requirements of Policies DM1 and DM38 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policies D3, D13 and D14 of the '*London Plan*' (2021), and the Council's Supplementary Planning Document entitled '*Residential Design Guide*' (2010).
- 20.9. Accordingly, it was concluded that the appeal ought to be allowed.
- 21. 1 and 13 The Coppins, Harrow Weald, Harrow, HA3 6DT (Appeal Ref: [3328365](#))**
- 21.1. 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 form mansard roof to provide an additional floor to each No.1 and No.13.*"
- 21.2. The main issue was the effect of the proposal on the living conditions of adjoining neighbours along Uxbridge Road.
- 21.3. The inspectorate observed, the proposal was for the creation of a mansard roof to facilitate an additional floor of accommodation within each of the appeal properties (No 1 and No 13), commenting that its design and appearance (as extended) would reflect other properties within The Coppins.
- 21.4. On the topic of daylight, sunlight and overshadowing, the inspectorate drew attention to the '*Daylight and Sunlight Report*' submitted as part the application, its contents which concluded that with the proposal implemented, the neighbouring properties would meet nearly all the relevant Building

Research Establishment criteria in respect of vertical sky component, daylight distribution, sunlight to windows and assessments for overshadowing.

- 21.5. On the topic outlook, the inspectorate observed and commented that, the proposed extension would maintain the established separation between these two properties, ground levels would absorb the scale of the proposed extension and the extent of the proposed extension would not be unacceptably dominant or oppressive, over and above the extent of the existing northerly flank elevation of No.1, No.143 or No.145. Concluding that, the proposal would not unacceptably harm the living conditions of neighbours.
- 21.6. As such, the proposal adhered with requirements of Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policy 7.6(D) of the *'London Plan'* (2021).
- 21.7. Accordingly, it was concluded that the appeal ought to be allowed.

**22. 33 Chestnut Avenue, Edgware, Harrow, HA8 7RA (Appeal Ref: [3337165](#))**

- 22.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the "replacement and installation of external insulation cladding (retrospective)."
- 22.2. The main issue was whether the proposal would preserve or enhance the character or appearance of the Canons Park Conservation Area.
- 22.3. The inspectorate observed, the property sits comfortably within this mixed street scene, was not in a particularly prominent position, and is not of special architectural quality.
- 22.4. The inspectorate acknowledged the concerns within Policy HC1(C) of the *'London Plan'* (2021) with regards to cumulative impacts of incremental change, and comments that in this particular instance there is a capacity for some change within the varied architectural character of the street.
- 22.5. The inspectorate commented further that, the proposal does not stand out as being at all remarkable or incongruous. Concluding that the proposal preserves the character and the appearance of the Conservation Area.
- 22.6. As such, the proposal accords with the heritage protection provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DM1 and DM7 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policy CS1 (B and D) of the *'Harrow Core Strategy'* (2012), Policies D3(D11) and HC1(C) of the *'London Plan'* (2021), the Council's Supplementary Planning Document entitled *'Residential Design Guide'* (2010) and the *'Cannons Park Estate Conservation Area & Management Strategy'* (2013) alongside guidance contained within the *'National Planning Policy Framework'* (2023).
- 22.7. Accordingly, it was concluded that the appeal ought to be allowed.



**23. 108 Imperial Drive, North Harrow, Harrow, HA2 7HT (Appeal Ref: [3332879](#))**

- 23.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a grant planning permission subject to conditions for *“conversion of dwelling into two flats (1 X 3 bed) and (1x2 bed); single and two storey side extension; single and two storey rear extension; front porch; alterations to roof; rear dormer; rooflights in front and side roofslopes; landscaping; external alterations (demolition of porch and detached garage).”*
- 23.2. The condition in dispute is No.10 which states that: *“the development hereby permitted shall be used for Class C3 dwellinghouse(s) only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.”*
- 23.3. The reason given for the condition is: *“to enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity”.*
- 23.4. The main issues are whether the disputed condition is reasonable and necessary in the interests of (a) the character of the area, and maintaining mixed, balanced, sustainable and inclusive communities; and (b) ensuring appropriate living conditions for nearby occupiers and appropriate living conditions for the occupants of the proposed accommodation.
- 23.5. The inspectorate highlighted that, the Council’s delegated application report did not explain why condition No.10 was imposed and, unlike many of the other conditions, the reason given for this condition in its decision notice did not make reference to the development plan.
- 23.6. On ground (a), character and appearance, the inspectorate highlights the Council’s assertion that the occupation of this property as two HMOs instead of two flats could result in a significant intensification in its use, as rather than comprising two households, that there could be up to twelve, with different functionality and character impacts.
- 23.7. The inspectorate commented that, even if the property was to be occupied as two HMOs instead of two flats, the maximum occupancy level would be broadly similar. The inspectorate stressed that, he was not persuaded that there would be substantially different refuse and servicing requirements associated with the use of the property as HMOs compared to its use as flats.
- 23.8. As such, the inspectorate concluded that, the disputed condition was not reasonable or necessary in the interests of the character of the area, or to maintain a balanced community. Therefore, the conditions deletion would not result in a conflict with either Policy DM1 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013) or Policy CS1.B of the *‘Harrow Core Strategy’* (2012).
- 23.9. On ground (b), living conditions, the inspectorate acknowledged that there could be some additional comings and goings as a result of the generally more independent living arrangements by the occupants of HMOs compared to flats. However, the inspectorate drew attention to the Planning Practice Guidance on the Use of Planning Conditions which advises at ID: [21a-017-20190723](#) that conditions restricting the future use of permitted development rights or changes of use may not pass the tests of reasonableness or necessity; and that area-wide or blanket removal of freedoms to carry

out small scale alterations that would otherwise not require an application for planning permission are unlikely to meet those tests.

- 23.10. As such, the inspectorate concluded that, the disputed condition is not therefore reasonable or necessary in the interests of ensuring appropriate living conditions and its deletion would not therefore conflict with either Policy DM1 (C and D) of the London Borough of Harrow Council's 'Development Management Policies' (2013) or Policy D3 of the 'London Plan' (2021).
- 23.11. An award for costs application against the 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.
- 23.12. The applicant claimed that the Council did not provide clear justification for imposing the disputed condition by reference to the development plan, or to the potential impacts of small Houses in Multiple Occupation ('HMO') in this particular case, and that it instead cited vague and generalised concerns.
- 23.13. The Council set out that neither the description of the proposed development, the planning statement, nor any other supporting documentation provided at application stage, referred to the property's use as HMO. Had the applicant made it clear that the property's use as HMO was also to be considered, then it would have made an assessment of such a use, therefore it was reasonable to impose a condition ensuring that it would be used as flats in accordance with the submitted information.
- 23.14. The inspectorate pointed out that, it was not incumbent upon an applicant to point out to the Council what their permitted development rights were under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as part of a planning application, nor for it to inform the Council that it might choose to implement them.
- 23.15. The inspectorate commented that, the Council's delegated report provided no explanation for the imposition of that condition, and the reason given in its decision notice was very generic, similarly, the Council's appeal statement was vague which made no persuasive case. The Council's new argument at appeal stage on grounds related to parking, highways and transport impacts were not evidenced to substantiate those claims.
- 23.16. The inspectorate concluded that, the Council imposed a condition that it did not adequately justify having regard to the Framework's tests of necessity and reasonableness, thus resulting in the applicant incurring unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance in its section on Appeals (ID: [16-049-20140306](#)).
- 23.17. Accordingly, it was concluded that the appeal ought to be allowed and the costs application accepted.

**24. 220 Byron Road, Wealdstone, Harrow, HA3 7TF (Appeal Ref: [3335010](#))**

- 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 a "first floor side extension; two rear dormers; installation of two rooflights in front roofslope."

- 24.2. The main issues were (a) the effect of the proposal on the character and appearance of the host building and the area; (b) the effect of the proposed development on the living conditions of the occupants of flats 1,2 and 3 on the ground floor of the appeal property, with particular reference to noise and disturbance; and (c) whether the proposed development would provide acceptable living conditions for future occupants, with regards to floor to ceiling height.
- 24.3. On ground (a), character and appearance, the inspectorate observed and commented that, the proposed side extension would be set in from the side boundary and would help to alleviate the negative effect of the existing flat roof. The inspectorate further comments that, the rear dormers are not an alien feature within the street scene, they would be subordinate features in the roof, would be set down from the ridge of the roof and set up from the eaves.
- 24.4. As such, on ground (a), the inspectorate concluded the proposal would not unacceptably dominate the host buildings or impair its proportions or character and therefore would not harm the character and appearance of the area in compliance with requirements of Policy CS1.B of the *'Harrow Core Strategy'* (2012), Policy D3 of the *'London Plan'* (2021), guidance contained within The *'National Planning Policy Framework'* (2023) and the Council's Supplementary Planning Document entitled *'Residential Design Guide'* (2010).
- 24.5. On ground (b), living conditions (neighbouring residents), the inspectorate acknowledged the Council's concerns that the appellant had not demonstrated that the proposal would not result in unacceptable noise and disturbance to the ground floor flats (flats 1,2 and 3) due to the position of kitchens and living space on the first floor. The inspectorate commented that, the appellant has now provided the ground floor plans, the kitchen and living areas of the reconfigured flats at first floor level would be appropriately laid out, and there would be a small improvement in the living conditions for the residents of studio flat 2.
- 24.6. As such, on ground (b), the inspectorate concluded the proposal would not unacceptably harm the living conditions of the occupants of flats 1,2 and 3 on the ground floor of the appeal property with particular reference to noise and disturbance. As a result, the proposal would accord with Policies D3 and D6 of the *'London Plan'* (2021), Policies DM1 and DM26 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), guidance contained within The *'National Planning Policy Framework'* (2023) and the Council's Supplementary Planning Document entitled *'Residential Design Guide'* (2010).
- 24.7. On ground (c) living conditions (future occupants), the inspectorate acknowledged the fallback position granted under a Certificate of Lawfulness. Citing further that the proposal is for an extension to existing flats rather than a new conversion, which would provide adequately sized rooms with comfortable and functional layouts.
- 24.8. As such, on ground (c), the inspectorate concluded the proposal would provide acceptable living conditions for future occupants, with regards to floor to ceiling height. As a result, the proposal would accord with Policies DM1 and DM26 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), Policies D3 and D6 of the *'London Plan'* (2021), guidance contained within The *'National Planning Policy Framework'* (2023) and the Council's Supplementary Planning Document entitled *'Residential Design Guide'* (2010).
- 24.9. Accordingly, it was concluded that the appeal ought to be allowed.

**25. 9 Caddis Close, Stanmore, HA7 3TL (Appeal Ref: [3333159](#))**

- 25.1. 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 *“variation of condition 2 (approved plans) attached to planning permission P/2860/21 dated 02/09/2021 to allow enlargement of lower ground floor level.”*
- 25.2. The main issue was the effect of the development on the character and appearance of 9 Caddis Close and the surrounding area.
- 25.3. The inspectorate acknowledged that, as built, the development does not reflect the previously approved plans since the terrace had been extended slightly and the lower ground floor has been extended to incorporate the entire area under the terrace, to create a utility room. The Appellant sought to amend the approved plans condition to address this.
- 25.4. The inspectorate highlighted that a previous appeal at the site was dismissed for the infill of the area although this represented a materially different proposal, the inspectorate acknowledged the previous inspector’s concerns regarding the extension on the side elevation impinging on the open area between No.9 and No.10 resulting in an uncomfortable arrangement between the two properties and a dominant built form at No.9. The inspectorate has confirmed that the previous inspectors stance did not form part of the appeal scheme before him/her.
- 25.5. The inspectorate observed that, the lower ground floor extension is not visible from the street and does not extend into the area between No.9 and No.10. Commenting that the additional extended area is relatively modest, external finishes to match the original dwelling and reads as a continuation of the rear elevation as extended, with a generous size rear garden that suitably accommodates the additional extended area.
- 25.6. The inspectorate commented that, the property as extended is not significantly or unacceptably different to the layout and external appearance of the extensions approved in the 2021 permission.
- 25.7. As such, the inspectorate concluded, the development would not harm the character and appearance of 9 Caddis Close and the surrounding area. As a result, the development was in compliance with requirements of Policy CS1.B of the *‘Harrow Core Strategy’* (2012), Policy DM1 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013), Policy D3 of the *‘London Plan’* (2021).
- 25.8. The inspectorate addressed other matters raised by interested parties, those being previously refused applications and dismissed appeals, to which he/she declared regard had been had to the previous decisions.
- 25.9. The inspectorate, in addressing other concerns such as ‘property converted into a separate ground floor flat or a House of Multiple Occupation’ and ‘detrimental impact on drainage for the area’ expressed that he/she had determined the appeal based on the submitted plan and for an extension only, and that there was no evidence before him/her to suggest adverse impacts on drainage.
- 25.10. Accordingly, it was concluded that the appeal ought to be allowed.

**26. 67 Drummond Drive, Stanmore, Harrow, HA7 3PH (Appeal Ref: [3331571](#))**

- 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 the *“three detached bungalows; Access Road; Enlargement of vehicle access between 65 and 67 Drummond Drive; Landscaping; Parking and Electric charging points; Refuse storage.”*
- 26.2. The application was determined at Planning Committee on 6<sup>th</sup> September 2023 ([Agenda Item 12.\(b\)](#) on pages 31 to 76).
- 26.3. The main issue was the effect of the proposed development on the character and appearance of the area.
- 26.4. The inspectorate acknowledged the proposed dwellings would be of a simple, contemporary design, and that this design approach would not follow the prevailing architectural character of the area, however, commented that the proposed dwellings would not have a stark or uninteresting appearance.
- 26.5. The inspectorate observed that, the use of single storey buildings would respect the scale of single storey outbuildings which are present along some of the boundaries to the site, and that architectural interest would arise from the use of modulated massing and level changes of the flat roofs.
- 26.6. The inspectorate observed and commented that, the proposal would not be visible within the wider street scene, except from the access road. The use of green roofs will reduce the visibility of the buildings from neighbouring properties. The inspectorate further commented that each dwellinghouse would have a larger footprint when compared to the surrounding properties, they have been designed in such a way that the overall massing of the buildings would not be harmful.
- 26.7. The inspectorate concluded that, the proposal makes effective use of the site, that the proposed dwellings would respond positively to the context of the site, with a palette of materials that successfully integrate into its surroundings, which would not harm the character and appearance of the area. As a result, the development was in compliance with requirements of Policy CS1 of the *‘Harrow Core Strategy’* (2012), Policy DM1 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013), Policy D3 of the *‘London Plan’* (2021).
- 26.8. The inspectorate recognised that this application generated public interest, however, acknowledged that the Council did not identify any harm in relation to loss of privacy, drainage and flood risk, security, outlook, access, congestion, and emergency vehicle access.
- 26.9. The inspectorate affirmed that he/she had no reason to disagree with the Council’s assessment of the above matters. Objections received with regards to historical covenant on the land stipulating restrictions on future development at the site, the inspectorate emphasised that this was in fact a civil matter that falls outside of the planning regime.
- 26.10. Accordingly, it was concluded that the appeal ought to be allowed.

**27. Devonshire House, 582 Honeypot Lane, Stanmore, HA7 1JS (Appeal Ref: [3326658](#))**

- 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 *“three Storey linked Office Building Fronting Garland Road (Use Class E); Landscaping and cycle storage.”*
- 27.2. The main issues was whether the proposed development would be in an acceptable location, with specific regard to being within a Strategic Industrial Location (SIL).
- 27.3. The inspectorate recognised that, the proposal would be an extension to the host building, its location within the protected SIL, thereby conflicting with Policies CS1 (criteria O) and CS8 (criteria E) of the *‘Harrow Core Strategy’* (2012), Policy DM31 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013), Policies E4 and E5 of the *‘London Plan’* (2021).
- 27.4. The inspectorate recognised the appellant’s supporting information which argued why it was not suitable for industrial use, and that for marketing purposes under Policy DM31 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013) the land would still fall within employment use. The inspectorate agreed with those opinions and that no marketing of the land would be necessary pursuant to the above policy.
- 27.5. The inspectorate highlighted the appellant’s Sequential Test, prepared by WSP dated October 2022, which amongst other matters detailed why the extension must be linked to Devonshire House for operational and viability reasons, including the appellant’s management of the office space. Contrary to the Council suggestions, the inspectorate was not of the opinion that for commercial reasons, the appellant’s reasons as being unreasonable.
- 27.6. The inspectorate highlighted that, even on a disaggregated basis, the above-commissioned report affirmed that there are no suitable sites within Edgware Town Centre and that there were no suitable approved office developments. Appreciating that the Council did not dispute the claims made, they were of the viewpoint that the future operators of the site could change over time, the inspectorate pointed out that the proposal must be judged on its individual merits now.
- 27.7. As such, the inspectorate concluded that, although there is some conflict with the development plan due to the loss of the land within the SIL to office use, the reasons outlined above, which include important material planning considerations, would when combined, outweigh the conflict in this case, and the appeal site would be a suitable location for the proposed development. As such, the proposal complies with the relevant parts of Policy CS1 of the *‘Harrow Core Strategy’* (2012), Policy DM31 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013), Policies E4 and E5 of the *‘London Plan’* (2021).
- 27.8. Accordingly, it was concluded that the appeal ought to be allowed.

**28. Sunshine, 2 Temple Mead Close, Harrow HA7 3RG (Appeal A Ref: [3339607](#))**

- 28.1. Appeal A was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for *“alterations to roof to form two rear dormers.”*

- 28.2. As a preliminary matter, the inspectorate highlighted that the description of the proposal set out on the Council's decision notice captures this more accurately and succinctly, therefore the inspectorate considered Appeal A on this basis.
- 28.3. The main issue, on Appeal A, is the effect of the proposal on the character and appearance of the house and the local area.
- 28.4. On appeal A, the inspectorate observed and highlighted that, the Council subsequently approved an application for a smaller dormer that would fit more comfortably into the roof slope.
- 28.5. The inspectorate commented that, for Appeal A, the current proposal for two dormers would fit reasonably well within the roof, recognising that it was not strictly in accordance with the dimensions set out at paragraph 6.70 the Council's Supplementary Planning Document entitled '*Residential Design Guide*' (2010), but the structures would be set down from the ridge, back from the eaves and well away from the side walls. The inspectorate further commented that the dormers, when split into 2 separate dormers would further help to keep the dormers from dominating the rear roof and the proposed windows would be reasonably proportionate to the existing rear windows.
- 28.6. On appeal A, the inspectorate concluded that, although clearly be visible from the streets and neighbouring properties, the dormers would sit comfortably within the street scene. As such, the proposal would not harm the character and appearance of the house and the local area, according with Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policy CS1.B of the Harrow Council's '*Core Strategy*' (2012), Policy D3(D1 and D11) of the '*London Plan*' (2021), and guidance contained within the Council's Supplementary Planning Document entitled '*Residential Design Guide*' (2010).
- 28.7. Accordingly, it was concluded that the Appeals ought to succeed.

**29. Sunshine, 2 Temple Mead Close, Harrow HA7 3RG (Appeal B Ref: [3330363](#))**

- 29.1. Appeal B was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for "*Removal of conditions 1 (parking), 4 (no development otherwise fall within classes A to F), 5 (no development otherwise falling within classes A and B) and 6 (no windows doors in east elevation) attached to planning permission EAST/1332/01/CON dated 16/04/2002.*"
- 29.2. As a preliminary matter, the inspectorate highlighted that the description of the proposal set out on the Council's decision notice captures this more accurately and succinctly, therefore the inspectorate considered Appeal A on this basis.
- 29.3. The main issue, on Appeal B, is the effects of the proposal on: (a) the character and appearance of the house and the local area; and (b) living conditions at neighbouring properties.
- 29.4. On appeal B, it was highlighted that conditions 4 and 5 of the existing planning permission for the house take away normal permitted development rights under the 2005 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the stated reasons for conditions 4 and 5 includes safeguarding the character of the area, those conditions refer to:

- Condition 4 - extensions including roof extensions and porches, other alterations such as new windows, outbuildings and hardstanding;
- Condition 5 – enclosures (walls, fences and gates) and access to the highway. This means that a planning application is required for any of these potential developments;

29.5. The inspectorate acknowledged the Council raising awareness to another previous appeal decision (EAST/1332/01/CON) whereby that Inspector also removed some permitted development rights.

29.6. On ground (a), character and appearance, the inspectorate found the main elements of condition 4 as being reasonable and necessary, meeting the Framework tests. The restriction on porches in that condition did not serve any clear planning purpose, so should be excluded from the condition, allowing scope for these minor structures, thus the condition should be varied and removed accordingly.

29.7. For condition 5, the inspectorate observed the garden areas as already being surrounded by high fences and walls so that there appeared to be little reason to continue the special limitation of site enclosures. Likewise, the restriction on new accesses was not considered necessary to protect local character and does not meet these tests since it accords with Policies D3(D1 and D11) and G7(C) of the *'London Plan'* (2021), Policy CS1.B of the Harrow Council's *'Core Strategy'* (2012), Policies DM1 and DM22 of the London Borough of Harrow Council's *'Development Management Policies'* (2013).

29.8. On ground (b), living conditions (privacy, light and visual impact), the stated reasons for condition 6 removes permitted development rights for dormers, rooflights, windows and doors in the rear (eastern) elevation of the house, facing 36 Gordon Avenue.

29.9. The inspectorate observed that, such protection is necessary due to the close relationship between the 2 dwellings, however, the controls in condition 6 effectively duplicate restrictions set out in conditions 4 and 7 (obscure glazing) so are not necessary. The inspectorate concluded that condition 6 should not be restated in any new permission, and it accords with Policy D3(D7) of the *'London Plan'* (2021) and Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013).

29.10. The inspectorate observed that the current, revised access and parking layout (with a gate) make suitable provision for access to this lightly travelled cul-de-sac, so that an access and some on-site parking continues to be provided. The inspectorate commented that condition 1 (site access and parking to be as originally approved) can also be varied to reflect the existing situation, especially since the Council raises no objection.

29.11. Accordingly, it was concluded that the Appeals ought to succeed.