

Quarterly (Q3 Calendar Year) Appeals Report for February 14th, 2024, Planning Committee

Planning Inspectorate statistical release dated August 24th, 2023, revealed that the Planning Inspectorate made 1,517 appeal decisions in July 2023. There were 1,416 written representations decisions in July 2023 (16,407 in the last 12 months). The median decision time for appeals procedure type 'Written Representations' cases was 33 weeks (compared to the past 12 months which sat at 29 weeks). The median time for appeals procedure type 'Hearings' was 30 weeks, 12-month median being 47 weeks. For appeals procedure type 'Inquiries', the median time sat at 44 weeks, the 12-month median being 55 weeks. The Official Statistics for the month of July can be read by clicking [here](#).

Planning Inspectorate statistical release dated September 21st, 2023, revealed that the Planning Inspectorate made 1,479 appeal decisions in August 2023. There were 1,392 written representations decisions in August 2023 (16,448 in the last 12 months). The median decision time for appeals procedure type 'Written Representations' cases was 31 weeks (compared to the past 12 months which sat at 30 weeks). The median time for appeals procedure type 'Hearings' was 29 weeks, 12-month median being 45 weeks. For appeals procedure type 'Inquiries', the median time sat at 28 weeks, the 12-month median being 49 weeks. The Official Statistics for the month of August can be read by clicking [here](#).

Planning Inspectorate statistical release dated October 19th, 2023, revealed that revealed that the Planning Inspectorate made 1,624 appeal decisions in September 2023 (18,221 appeal decisions in the last 12 months). There were 1,517 written representations decisions in September 2023 (16,795 in the last 12 months). The median decision time for appeals procedure type 'Written Representations' cases was 31 weeks, compared to the past 12 months which sat at 30 weeks. The median time for appeals procedure type 'Hearings' was 33 weeks, the 12-month median being 44 weeks. For appeals procedure type 'Inquiries', the median time sat at 62 weeks, the 12-month median being 51 weeks. The Official Statistics for the month of September can be read by clicking [here](#).

In conclusion, the above data reveals that, in comparison to the preceding 12 months, the Planning Inspectorate issued more appeal decisions each month in the months leading the end of Q3 with the number of appeals being received increasing. The data further revealed that decisions made under "Written Representations" evidenced longer decision timelines (3.5–12%), while decisions made under "Hearings" had shorter timeframes (30–58%) whilst decisions made under "Inquiries" had even shorter timeframes (25-76%), which later declined to -18%.

The Planning Service at London Borough of Harrow Council had received 55 appeal decisions by appeal type written representation and 6 separate awards for costs applications during the periods of July 1st, 2023 up until September 30th, 2023. Of the above-mentioned, 30 appeal decisions had been dismissed and 4 award for costs applications had been rejected, with 25 allowed and 2 award for costs applications accepted. The dismissed appeals represent 55% of the 55 appeals received, whilst the allowed appeals represent 45%, whilst the cost applications totalling 6 represent 65.9% as rejected and 34.1% accepted.

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

Summary of Appeal Decisions:

Item	Site Address	Planning Reference	Description of Development	Decision Type	Status and Costs
1	Junction of Alexandra Avenue and Sandringham Crescent, Harrow, HA2 9BU	Appeal Ref: 3301156 LPA Ref: P/4345/21	The installation of an 18-metre-high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto.	Delegated Refusal on 21.12.2021	Dismissed 04.07.2023
2	32 Francis Road, Harrow, HA1 2QX	Appeal Ref: 3311099 LPA Ref: P/3151/22	The erection of a single storey front extension and conversion of property into 2 x self-contained flats.	Delegated Refusal on 01.09.2022	Dismissed 04.07.2023
3	41 Kenton Gardens, Harrow, HA3 8DE	Appeal Ref: 3313290 LPA Ref: P/3317/22/PR IOR	The erection of a single storey rear extension: 6.00 metres deep, 4.00 metres maximum height and 3.00 metres high to the eaves.	Delegated Refusal on 31.10.2022	Dismissed 20.07.2023
4	76 Wetheral Drive, Stanmore, HA7 2HL	Appeal Ref: 3319723 LPA Ref: P/3662/22	The retention of an existing hip to gable loft conversion with rear dormer.	Delegated Refusal on 27.02.2023	Dismissed 22.08.2023
5	88 Oakleigh Avenue, Edgware, Harrow, HA8 5DP	Appeal Ref: 3316122 LPA Ref: P/3034/22	The erection of a single storey side extension.	Delegated Refusal on 20.08.2022	Dismissed 06.07.2023
6	24 Woodlands Drive, Stanmore, HA7 3PA	Appeal Ref: 3319712 LPA Ref: P/3708/22	The installation of solar panels on the flat dormer roof at the rear of the house mounted on a mounting system that props the panel up at a 20- degree angle, facing south to allow optimal conversion of solar energy.	Delegated Refusal on 09.01.2023	Allowed 09.08.2023
7	25 Uxbridge Road, Stanmore, Harrow, HA7 3LH	Appeal Ref: 3320135 LPA Ref: P/0910/22	The installation of 1m high brick-built boundary wall to front; 4 x 1.8m high brick-built piers and two composite timber vehicle access gates; 2m high brick built portico with composite timber pedestrian access gate; hardsurfacing to front garden (retrospective).	Delegated Refusal on 15.03.2023.	Dismissed 13.07.2023
8	Kenmore Avenue, Greenhill, Wealdstone, HA1 2RB	Appeal Ref: 3309897 LPA Ref: P/2777/22	The proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.	Delegated Refusal on 16.09.2022	Allowed 11.08.2023

9	4 Connaught Road, Harrow, HA3 7LD	Appeal Ref: 3303311 LPA Ref: P/1478/22/PR IOR	The erection of a single storey rear extension.	Delegated Refusal on 01.07.2022	Allowed 19.07.2023
10	21 The Avenue, Hatch End, HA5 4EN	Appeal Ref: 3305831 LPA Ref: P/0542/22/PR IOR	Additional storey (height 2.6m) to a dwellinghouse - maximum overall height 9.30m (Prior approval of impact on the amenity of any adjoining premises; the external appearance of the dwellinghouse; air traffic and defence asset impacts and impact on a protected view).	Delegated Refusal on 24.08.2022	Dismissed 07.09.2023
11	31 Hazeldene Drive, Pinner, HA5 3NJ	Appeal Ref: 3317779 LPA Ref: P/3692/22	The erection of a single storey front extension; single and two storey side extension, single storey rear extension, raised patio to rear; detached garage to front; external alterations (demolition of attached garage).	Delegated Refusal on 12.12.2022	Allowed 31.07.2023
12	231-233 High Road, Harrow, HA3 5EE	Appeal Ref: 3294634 LPA Ref: P/0877/21	The redevelopment to provide three to four storeys building to create flats; parking; associated landscaping; refuse and cycle storage; closure of two existing vehicle accesses and creation of new vehicle access.	Delegated Refusal on 26.11.2021	Allowed 07.08.2023 Costs Award Dismissed 01.06.2023
13	16 Thistlecroft Gardens, Stanmore, HA7 1PN	Appeal Ref: 3316248 LPA Ref: P/2785/22	The erection of a single storey rear extension.	Delegated Refusal on 17.02.2023	Dismissed 01.08.2023 Costs Award Dismissed 01.08.2023
14	North Lodge, Brookshill, Harrow Weald, Harrow, HA3 6RT	Appeal Ref: 3313254 LPA Ref: P/2880/22	The demolition of existing side/rear kitchen extension; erection of replacement side/rear single storey extension, accessibility ramp and associated works.	Delegated Refusal on 07.10.2022	Allowed 09.08.2023 Costs Award Part Allowed 09.08.2023
15	Land at Churchill Hall, Hawthorne Avenue, Harrow, HA3 8AG	Appeal Ref: 3315739	The material change of use of the Land from community hall and associated car park to a mixed use of car sales, car wash tyre replacement and service centre (the "Unauthorised Use"); and the construction of boundary treatment comprising of a hoarding and fence, including two gates and canopy structure (which is attached to the fence fronting Kenton Road) (the "Unauthorised Operational Works").	Enforcement Notice on 20.12.2022	Dismissed and Notice Upheld 26.06.2023

16	218 Kenton Lane, Harrow, HA3 8RW	Appeal Ref: 3289446	The unauthorised construction of single and two storey side extension and single storey rear extension. ("the Unauthorised Extension"); and the unauthorised construction of a hip to gable and rear dormer roof extension ("the Unauthorised Loft Conversion") together referred to as "the Unauthorised Development".	Enforcement Notice on 08.11.2021	Dismissed and Notice Upheld 29.08.2023
17	Land at 110 Streatfield Road, Harrow, HA3 9BT	Appeal Ref: 3304308 LPA Ref: P/1007/11	The unauthorised construction of a single-storey rear extension ("Unauthorised Development").	Enforcement Notice on 21.07.2022	Allowed 28.09.2023
18	59 Graham Road, Harrow, HA3 5RP	Appeal Ref: 3306785 LPA Ref: P/3647/21	Loft conversion with two storey side extension to form access.	Delegated Refusal on 22.04.2022	Dismissed 08.08.2023 Costs Award Dismissed 08.08.2023
19	9 - 11 Palmerston Road, Harrow, HA3 7RR	Appeal Ref: 3306081 LPA Ref: P/3140/21	The redevelopment of the site to provide 187 residential units (Use Class C3); 1393sqm office floorspace (Use Class B1) and 648sqm flexible commercial and community floorspace (Use Classes A1, B1, D1, D2) in 5 buildings between 1 and 17 storey's in height; basement to provide carparking and cycle parking spaces; and one vehicle access from Palmerston Road and one vehicle access from Masons Avenue; refuse storage; entrance gates; public realm landscaping; photo-voltaic panels; demolition of existing building.	Committee Refusal on 27.05.2022	Allowed 25.09.2023 Costs Award Allowed 08.08.2023
20	93 Headstone Road, Harrow, HA1 1PG	Appeal Ref: 3311098 LPA Ref: P/3196/22	The change of use from C4 small house in multiple occupation for up to 6 people to large house in multiple occupation (Sui Generis).	Delegated Refusal on 02.11.2022	Dismissed 10.07.2023 Costs Award Dismissed 10.07.2023
21	Martinhoe, East End Way, Pinner, HA5 3BS	Appeal Ref: 3322454 LPA Ref: P/0053/23	First floor front extension; internal alterations; additional rooflights in front and crown roof, additional/repositioning of Windows; other approved alterations retained (as per approved application reference no. P/2741/22).	Delegated Refusal on 16.03.2023	Allowed 31.06.2023
22	82 Drummond Drive, Stanmore, HA7 3PE	Appeal Ref: 3314393 LPA Ref: P/3597/22/PR IOR	Erection of a 6m single storey extension.	Delegated Refusal on 06.01.2023	Allowed 12.09.2023

23	Devonshire House, 582 Honeypot Lane, Stanmore, HA7 1JS	Appeal Ref: 3315556 LPA Ref: P/2793/21	The construction of a new three storey office building (Class E) with associated parking and landscaping.	Delegated Refusal on 01.08.2022	Dismissed 08.08.2023
24	39 Northolme Gardens, Edgware, Harrow, HA8 5AY	Appeal Ref: 3321153 LPA Ref: P/0082/23	The erection of single and two storey side extension, single and two storey rear extension, first floor side extension, alterations to roof, rear dormer, two rooflights in front roof slope and external alterations including demolition of attached garage and rear extension.	Delegated Refusal on 07.03.2023	Dismissed 15.08.2023
25	13 Felbridge Avenue, Stanmore, Harrow, HA7 2BZ	Appeal Ref: 3321250 LPA Ref: P/0294/23	Loft conversion, hip to gable associated rear dormer and front roof skylight.	Delegated Refusal on 20.03.2023	Dismissed 13.09.2023
26	86A Arundel Drive, Harrow, HA2 8PP	Appeal Ref: 3317036 LPA Ref: P/3813/22	Part single storey and first floor extension.	Delegated Refusal on 03.12.2023	Dismissed 26.07.2023
27	1 Spencer Road, Harrow, HA3 7AN	Appeal Ref: 3311776 LPA Ref: P/4263/21	The conversion of the dwellinghouse into 3 no flats.	Delegated Refusal on 09.11.2022	Dismissed 18.08.2023
28	24 Winkley Court Eastcote Lane, Harrow, HA2 8RT	Appeal Ref: 3318008 LPA Ref: P/4254/21	The installation of 1m high brick pier boundary wall with front and rear pedestrian gates and electronic sliding vehicle entrance gate to side.	Delegated Refusal on 21.12.2022	Allowed 01.08.2023
29	27 Dalkeith Grove, Stanmore, HA7 4SQ	Appeal Ref: 3320385 LPA Ref: P/4142/22	The erection of part single part two storey side and rear extension, raising roof and loft conversion with rear dormer and side dormer, new gable ended roof on existing two storey front element, conversion of garage into habitable room, erection of front porch.	Delegated Refusal on 16.02.2023	Allowed 15.08.2023
30	92 Cavendish Avenue, Harrow, HA1 3RQ	Appeal Ref: 3318569 LPA Ref: P/3890/22	The demolition of the existing rear and side extensions including garage and construction of a new rear and side extension at ground floor with pitched roof and roof lights over, also a rear extension at first floor for additional bedroom accommodation.	Delegated Refusal on 06.01.2023	Dismissed 28.09.2023
31	86 Spencer Road, Harrow, HA3 7AR	Appeal Ref: 3314391	New 4-bedroom detached dwelling with associated cycle store, refuse store, and garden amenity space.	Delegated Refusal on 07.11.2022	Dismissed 28.07.2023

		LPA Ref: P/3241/22			
32	74 Radnor Road, Harrow, HA1 1SA	Appeal Ref: 3308268 LPA Ref: P/2373/22	The conversion of existing house to 3 flats with associated amenities space, bin stores, cycle stores, green roof and solar panels.	Delegated Refusal on 19.08.2022	Allowed 12.07.2023
33	66 Yeading Avenue, Rayners Lane, Harrow, HA2 9RN	Appeal Ref: 3307546 LPA Ref: P/2228/22	Erection of a new dwelling to the side of an existing house.	Delegated Refusal on 24.08.2022	Dismissed 23.08.2023
34	309A Station Road, Harrow, HA1 1LF	Appeal Ref: 3307447 LPA Ref: P/2133/22	Dormer extensions to the rear of the property and conversion into 3 self-contained flats.	Delegated Refusal on 02.08.2022	Dismissed 04.07.2023
35	Junc of Courtenay Ave Chicheley Gar, Courtenay Ave, Harrow, HA3 6LW	Appeal Ref: 3313795 LPA Ref: P/1756/22	The installation of 1No. 17.5m high monopole together with 2No. equipment cabinets, 1No. meter cabinet and ancillary apparatus thereto.	Delegated Refusal on 06.07.2022	Allowed 31.07.2023
36	2 Westmorland Road, Harrow, HA1 4PN	Appeal Ref: 3305756 LPA Ref: P/1222/22	Erection of two-storey front extension; two-storey side extension, single storey rear extension, creation of end of terrace dwelling, separate amenity space, bin and cycle stores.	Delegated Refusal on 08.06.2022	Dismissed 09.08.2023
37	2 Snaresbrook Drive, Stanmore, Harrow, HA7 4QW	Appeal Ref: 3323239 LPA Ref: P/0805/23	Erection of a part single and part double storey side and rear extension, part single storey front extension, rear dormer and three roof lights to facilitate a loft conversion.	Committee Refusal on 25.05.2023	Allowed 13.09.2023
38	Flat 1, 54 Wellesley Road, Harrow, HA1 1QN	Appeal Ref: 3312580 LPA Ref: P/1446/22	The construction of a pavement crossover opposite the property.	Delegated Refusal on 09.08.2022	Dismissed 07.07.2023
39	320 Station Road, Harrow, HA1 2DX	Appeal Ref: 3310290 LPA Ref: P/0593/22	Change of use from a sui generis betting shop to a sui generis adult gaming centre.	Delegated Refusal on 23.06.2022	Allowed 03.07.2023

40	Weald Cottage, Clamp Hill, Stanmore, Harrow, HA7 3JL	Appeal Ref: 3313159 LPA Ref: P/1604/22	The demolition of garage and porch. Ground floor rear and side extension and relocated entrance. First floor side and rear extension. New roof with accommodation.	Committee Refusal on 07.10.2022	Dismissed 18.09.2023
41	Garages rear of 24 St. Pauls Avenue, Harrow, HA3 9PS	Appeal Ref: 3311455 LPA Ref: P/1608/22	The demolition of 6 No. existing garages and the construction of 2 No. semi-detached dwellinghouses. The proposed dwellings are both two-storey family units with accommodation in the roof space, associated off-street parking , private amenity space.	Delegated Refusal on 27.09.2022	Allowed 10.08.2023
42	136 Carlyon Avenue, Harrow, HA2 8SW	Appeal Ref: 3318210 LPA Ref: P/1942/22	The erection of a new attached 3 Bedroom Dwelling.	Delegated Refusal on 15.12.2022	Dismissed 24.08.2023
43	Kajaine House, 57-67 High Street, Edgware, HA8 7DD	Appeal Ref: 3311739 LPA Ref: P/2682/22/PR IOR	The erection of 2 additional storeys accommodating 12 dwellings.	Delegated Refusal on 09.09.2022	Dismissed 25.08.2023
44	20 Bentley Priory Mansion House Drive, Stanmore, HA7 3FB	Appeal A Ref: 3295874 LPA Ref: P/4665/21 Appeal B Ref: 3296578 LPA Ref: P/4705/21	The installation, enlargement and replacement of two rooflights in rear roof slope; external alterations to roof without complying with a condition attached to application permission Ref P/2386/20, dated 14 July 2020. The replacement of four rooflights in eastern side roof slope without complying with a condition attached to application P/4177/20, dated 15 April 2021.	Delegated Refusal on 13.01.2022 Delegated Refusal on 15.04.2021	Appeal A Allowed 08.09.2023 Appeal B Allowed 08.09.2023
45	87 Burnt Oak Broadway, Harrow, Edgware, HA8 5EP	Appeal Ref: 3309490 LPA Ref: P/2266/22	The change of use of ground floor from Pawnbrokers (Class E) to Adult Gaming Centre (Sui Generis) without complying with a condition attached to planning permission Ref P/3884/20, dated 25 March 2021.	Non-Determination	Dismissed 20.08.2023
46	2A Dale Avenue, Harrow, Edgware, HA8 6AE	Appeal Ref: 3313135 LPA Ref: P/2524/22	The construction of a pair of 2-storey three-bedroom semidetached house including demolition of existing 2-bedroom detached house.	Delegated Refusal on 16.11.2022	Dismissed 26.07.2023
47	34 Clitheroe Avenue, Harrow, HA2 9UX	Appeal Ref: 3301845 LPA Ref:	The conversion of existing dwelling into two flats (2 x 1 bed) and; associated external alterations including the creation of a terrace at first floor level.	Delegated Refusal on 01.04.2022	Dismissed 04.07.2023

		P/4034/21			
48	Land at 51 Howberry Road, Edgware, HA8 6SX	Appeal Ref: 3316573 LPA Ref: P/2020/22	The erection of a single storey front infill extension, garage conversion and changes to front elevation, single storey rear extension and raised patio.	Delegated Refusal on 24.01.2023	Allowed 26.07.2023
49	St Dominic's Sixth Form College, Mount Park Avenue, Harrow, HA1 3HX	Appeal Ref: 3315104 LPA Ref: P/1146/22	The demolition/removal from site of large timber maintenance chalet, steel shipping containers and steel spiral steps; installation of three number pre-fabricated teaching rooms and timber linking structure.	Delegated Refusal on 26.07.2022	Allowed 08.08.2023
50	The Garden House, 51 Dennis Lane, Harrow, Stanmore, HA7 4JU	Appeal Ref: 3307375 LPA Ref: P/2245/22	The demolition of the existing detached dwelling, garage and three outbuildings and the erection of a replacement dwelling: consisting of a detached part two storey house with single storey side wings, integral double garage, rear single storey canopy and associated site works.	Delegated Refusal on 18.08.2022	Dismissed 22.08.2023
51	23 Bell Close, Harrow, Pinner, HA5 2AQ	Appeal Ref: 3312932 LPA Ref: P/3439/22	The conversion of dwellinghouse into two flats; conversion of garage into habitable room with alterations to front elevation; single storey rear in-fill extension; two storey part rear extension.	Delegated Refusal on 05.12.2022	Allowed 24.07.2023
52	154 Whitmore Road, Harrow, HA1 4AQ	Appeal Ref: 3295300 LPA Ref: P/4137/21	Alterations and extension to roof to form end gable; rear dormer; two rooflights in the front roofslope; two windows in end gable.	Delegated Refusal on 08.12.2021	Allowed 19.09.2023
53	Power House, 87 West Street, Harrow, HA1 3EL	Appeal A Ref: 3301356 LPA Ref: P/5002/21 Appeal B Ref: 3309259 LPA Ref: P/2191/22	An additional residential unit within the existing roof space and associated bin and bike storage. The construction of a residential unit within the existing roof space including the cut out of the roof to provide a door and window.	Delegated Refusal on 09.03.2022 Delegated Refusal on 05.03.2022	Allowed 09.08.2023 Allowed 09.08.2023

Summary of Appeal Decisions:

1. Junction of Alexandra Avenue & Sandringham Crescent, Harrow, HA2 9BU (Appeal Ref: [3301156](#))

- 1.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the *“installation of an 18-metre-high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto”*.
- 1.2. The main issues were the effect of the proposed development on the character and appearance of the area and/or whether that harm would be outweighed by the need to site the installation in the location proposed and any benefits associated with the development.
- 1.3. On the topic of character and design, the inspectorate observed that the proposed cabinets would be typical of the form of structures often seen adjacent to the highway, however, commented that the number proposed would be extensive. Emphasising that, in addition to the mast, together with existing items of street furniture close to the appeal site, they would lead to undue visual clutter in a prominent corner location. Thus, the siting and appearance of the proposal would harm the character and appearance of the area contrary to the combined aims of Policies DM1 A and B (a) and DM49 A (b) of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013).
- 1.4. On the topic of availability of alternative sites, the inspectorate stressed that the Framework states that for a new mast, evidence should be provided that shows the possibility of erecting antennas on an existing building, mast or structure had been explored. The inspectorate commented that it was unclear as to her why only these 3 alternative sites were investigated and why there was no detailed analysis of other potential options by the applicant/agent. The inspectorate was not satisfied that it had been demonstrated that less harmful alternative sites have been fully explored by the applicant/agent.
- 1.5. The inspectorate took note of the appellant’s statement drawing her attention to several appeal decisions where proposals for telecommunications equipment have been allowed. However, the inspectorate stated that she did not find the appellant’s arguments to be compelling, that she had determined the appeal on its own merits, based on the evidence before her.
- 1.6. The inspectorate agreed with the appellant that development would bring about improved signal coverage in an area where a deficiency has been identified, however, it was necessary to weigh its benefits against the need for equipment to be sympathetically designed and, where necessary, camouflaged. The inspectorate acknowledged the importance of reliable and high-quality communications for social and economic well-being. Consequently, it was determined that the appeal ought to be dismissed.

2. 32 Francis Road, Harrow, HA1 2QX (Appeal Ref: [3311099](#))

- 2.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the erection of a *“single storey front extension and conversion of property into 2 x self-contained flats”*.

- 2.2. The main issues were the effect of the proposal on the living conditions of the future occupiers of the proposed first floor flat with particular regard to access to private outdoor space.
- 2.3. The inspectorate observed that future occupants of the proposed ground floor flat would have access to the rear garden, but because of the proposed layout and the fact that the ground floor accommodation spans the width of the appeal site, occupants of the proposed first floor flat would not have access to a useable outdoor space where they would be able to amongst other things sit, relax, store items, dry clothes and comfortably enjoy the outdoors in relative privacy. Concluding that would unacceptably harm the living conditions of future occupants of the proposed first floor flat.
- 2.4. The inspectorate took note of the appellant's case drawing attention to the Council's SPD on 'Residential Design Guide' ("SPD"), in particular its wording over functional amenity space being provided "wherever possible". The inspectorate contended this construal by highlighting that in the very next sentence of that document it set out that "it seeks to ensure that all flats (except for the conversion of maisonettes above shops and mid terraced properties) have access to a garden most likely in the form of a subdivision of an existing garden".
- 2.5. The inspectorate went on to emphasise that Policy D6 of 'The London Plan' (2021) sets out that where there are no higher local standards, a minimum of 5m² of private outdoor space should be provided for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant. The fact that the proposal would not provide any private outdoor space for the first floor flat is clearly at odds with the relevant policy of the London Plan.
- 2.6. The appellant went on to highlight examples where planning permission had been granted elsewhere in the Borough. However, the inspectorate countered that they appear to fall within the type of property identified for an exception in the SPD. Other examples put forth by the appellant being materially different from this case, in any event, this case should be determined on its own merits and the fact that planning permission has been granted at other sites in the Borough does not justify harmful development at the appeal site. For the above-mentioned reasons, it was concluded that the appeal ought to be dismissed.

3. 41 Kenton Gardens, Harrow, HA3 8DE (Appeal Ref: [3313290](#))

- 3.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the erection of a "single storey rear extension: 6.00 metres deep, 4.00 metres maximum height and 3.00 metres high to the eaves".
- 3.2. The main issue was whether the proposed development would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
- 3.3. The inspectorate commented that, the development is not permitted by Schedule 2, Part 1 Class A of the GPDO (the Order) if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.

- 3.4. The inspectorate observed that the appeal property has a small single storey projection on the rear elevation and that they have not been provided with any substantive evidence that this is not an original element of the property. Concluding that there is no doubt that the proposed extension would have a width greater than half the width of the original dwellinghouse, being the full width of the house itself.
 - 3.5. The inspectorate took note of the appellant's case, considering carefully where they had supplied a range of appeal decisions which have come to an alternative conclusion on this matter, all of which pre-date the publication of the Technical Guidance. The inspectorate commented that they did not have the full details of any of the cases referred to which would unequivocally suggest that their situation is directly comparable to that of the one before him/her.
 - 3.6. The inspectorate concluded that the proposal would not fall within the definition of permitted development set out in Class A of Part 1 of Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the appeal ought to be dismissed.
- 4. 76 Wetheral Drive, Stanmore, HA7 2HL. (Appeal Ref: [3319723](#))**
- 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 proposal described as *"retained existing hip to gable loft conversion with rear dormer."*
 - 4.2. The main issue is the effect of the appeal proposal on the character and appearance of the appeal dwelling and on the street scene.
 - 4.3. The inspectorate commented that the works which are the subject of this appeal have been largely carried out, they were also the subject of a Certificate of Lawful Development (proposed) application which was refused in 2022.
 - 4.4. The inspectorate commented that the dormer covers much of the original rear roof of the property. is not sufficiently contained within the roof slope and therefore appears bulky, incongruous, over-dominant and obtrusive in views of the rear of house, including from surrounding gardens. The inspectorate went onto further comment that the dominant and obtrusive form of the development is also visible from the road and appears awkward, bulky, and incongruous when viewed alongside the other additions to the property.
 - 4.5. The inspectorate took note of the case made by the appellant in that the proposal would be comparable to nearby properties which have had hip-to-gable side extensions. The inspectorate commented that, whilst they saw a variety of roof level extensions in the locality, she saw none with a comparable amount of development as that carried out at the appeal property, in any event, the appeal proposal had been determined on its individual merits.
 - 4.6. The inspectorate concluded that the proposal would, harmful effect of the appeal proposal on the character and appearance of the dwelling and on the street-scene contrary to Policy CS1.B of the *'Harrow Core Strategy'* (2012), Policy DM1 of the *'Harrow Council Development Management Policies'* (2013), Harrow Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010), the *'London Plan'* (2021) and guidance contained within the *'National Planning Policy Framework'* (2023). Accordingly, the appeal was dismissed.

5. 88 Oakleigh Avenue, Edgware, Harrow, HA8 5DP (Appeal Ref: [3316122](#))

- 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 the erection of a *“single storey side extension”*.
- 5.2. The main issue is the effect of the proposal on the character and appearance of the area.
- 5.3. The inspectorate drew attention to the appellants intentions of submitting revised plans, however, the inspectorate highlighted the advice contained within the ‘Procedural Guide: Planning Appeals – England’ (2023) that ‘the appeal process should not be used to evolve a scheme’ and it is important that what is considered is essentially what was considered by the local planning authority’. Accordingly, the inspectorate had not taken them into account in reaching their decision.
- 5.4. The inspectorate observed that the side extension has an awkward relationship to the existing side and rear extensions, which are significant in scale and dominate the original dwelling and its corner plot. As such, although this extension is more modest in scale, the cumulative effect of the extensions results in a disproportionate scale of development that fails to reflect the scale of the original dwelling.
- 5.5. The inspectorate concluded that the general arrangement, bulk, and mass of the extensions when viewed as a whole have a detrimental impact on the character of the host dwelling and surrounding area, contrary to Policy CS1.B of the ‘*Harrow Core Strategy*’ (2012), Policy DM1 of the London Borough of Harrow Council’s ‘*Development Management Policies*’ (2013) and Harrow Council’s adopted Supplementary Planning Documents entitled ‘*Residential Design Guide*’ (2010), Policy D3 of the ‘*London Plan*’ (2021) and guidance contained within the ‘*National Planning Policy Framework*’ (2023). Accordingly, there was no material considerations which would outweigh that conflict and therefore, the appeal ought to be dismissed.

6. 24 Woodlands Drive, Stanmore, HA7 3PA (Appeal Ref: [3319712](#))

- 6.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *“installation of solar panels on the flat dormer roof at the rear of the house mounted on a mounting system that props the panel up at a 20- degree angle, facing south to allow optimal conversion of solar energy”*.
- 6.2. The main issue in this appeal is the effect of the proposal on the character and appearance of the existing property and on the local area.
- 6.3. The inspectorate observed that the plant would be seen in some street scene views, these views would not be extensive. This is both because of the siting of the plant towards the rear of the dwelling and the angle of view and because some of it would be largely obscured from view as a result of other built development. Where the plant would be seen, it would appear as lightweight structures and its purpose self-evident. Given both its relatively small scale in relation to the property, and that it would be appropriately spaced across the rear roof dormer, I do not agree with the Council’s concern that it would lead to a cluttered appearance which would detract from the character and appearance of the existing property. Furthermore, the plant and equipment would not be overly dominant in street scene views.

6.4. The inspectorate concluded that the proposed development would not detract from but would respect the character and appearance of the existing house and of the local area. There would be no conflict with Policy D3.D(1) and (11) 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 Harrow Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010), as well as guidance contained within the *'National Planning Policy Framework'* (2023), in particular Section 12. Therefore, the appeal ought to be allowed.

7. 25 Uxbridge Road, Stanmore, Harrow, HA7 3LH (Appeal Ref: [3320135](#))

7.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *"installation of 1m high brick-built boundary wall to front; 4 x 1.8m high brick built piers and two composite timber vehicle access gates; 2m high brick built portico with composite timber pedestrian access gate; hardsurfacing to front garden (retrospective)"*.

7.2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

7.3. The inspectorate observed Uxbridge Road in this location to be characterised by the presence of pavements with grass verges, street trees, hedgerows, and planting to front garden areas. This provides for a notably green and spacious character. Emphasis was made that the above qualities are enhanced by the presence of generally low garden walls and/or railings and the occasional fence to the front boundaries of dwellings, where the common presence of hedgerows, planting and/or greenery provides for views and glimpses through to front gardens/driveways.

7.4. The inspectorate commented that the development the subject of this appeal introduces tall brick pillars, a large, tall, flat-roofed brick-built portico and tall gates to the front boundary of the property. Consequently, the development appears as a dominant feature of significant scale, lacks greenery and appears in stark contrast to neighbouring boundary features. The inspectorate observed that during their site visit, the development draws undue attention to itself as an incongruous feature.

7.5. The inspectorate concluded that the proposed development would harm the character and appearance of the area, contrary to guidance contained within the *'National Planning Policy Framework'* (2023), Policy D3 of the *'London Plan'* (2021), Policy CS1B of the *'Harrow Core Strategy'* (2012), Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and Harrow Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010). Accordingly, the appeal ought to be dismissed.

8. Kenmore Avenue, Greenhill, Wealdstone, HA1 2RB (Appeal Ref: [3309897](#))

8.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the proposed *"telecommunications installation; Proposed 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works"*.

- 8.2. The main issue is the effect of the proposed development on the character and appearance of the area.
- 8.3. The inspectorate observed that the proposal would be located near the taller more mature tree on the opposite side of the entrance to the scout hut car park. The inspectorate observed that, albeit in greater height, the proposed monopole would reflect the vertical emphasis of existing street furniture in the vicinity including lamp posts and traffic signs. The inspectorate went onto further emphasise that, in both longer distance views, as well as in closer range views, the structure would be viewed against the backdrop of, and reasonably well screened, by both the adjacent commercial buildings and surrounding trees. Consequently, the proposal would not be a visually anomalous feature in the street scene and would integrate with the existing character of the area.
- 8.4. The inspectorate concluded that the siting and appearance of the proposed monopole would not harm the character and appearance of the area. Therefore, as far as they are material to this matter, the proposal would accord with Policies DM1 and DM49 of the London Borough of Harrow Council's '*Development Management Policies*' (2013) which, among other things, require development to achieve a high standard of design having regard to the character and appearance of the area. For the reasons given above, the appeal ought to be allowed, and prior approval granted.
- 9. 4 Connaught Road, Harrow, HA3 7LD 147 Eastcote Lane, HA2 8RR (Appeal Ref: [3303311](#))**
- 9.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of a "*single storey rear extension*".
- 9.2. The main issue is therefore whether prior approval should be granted, having regard to the effects of the proposal on the amenity of the occupiers of No 6, with particular regard to light and outlook.
- 9.3. The inspectorate observed that the proposal would feature a flat roof, which would be greater in height than the existing boundary fence between the appeal site and No 6. The proposed increase in height above the fence, along a proportion of the boundary, would be unlikely to cause a significant level of additional overshadowing or loss of light and there is no substantive evidence to indicate that this would be harmful. The inspectorate added, due to the length of the rear gardens, the modest height and depth of the extension above the height of the existing fence would not significantly alter the outlook from the rear elevation of No 6 or its rear patio and garden area. The rear garden of No 6 benefits from an outlook in other directions and would not be unduly harmed.
- 9.4. The inspectorate concluded that the proposed development would not have a harmful effect on the amenity of the occupiers of No 6, with regards to light or outlook. As such it would accord with Policy D3.D(7) of the '*London Plan*' (2021) and Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), to include Harrow Council's adopted Supplementary Planning Documents entitled '*Residential Design Guide*' (2010). For the reasons given above, the appeal ought to be allowed, and prior approval granted.
- 10. 21 The Avenue, Hatch End, HA5 4EN (Appeal Ref: [3305831](#))**

- 10.1. The Appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant approval required under Article 3(1) and Class AA of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for *“additional storey (height 2.6m) to a dwellinghouse -maximum overall height 9.30m (Prior approval of impact on the amenity of any adjoining premises; the external appearance of the dwellinghouse; air traffic and defence asset impacts and impact on a protected view)”*.
- 10.2. The main issue is whether or not prior approval should be granted, having regard to the living conditions of neighbouring occupiers at No. 19 The Avenue with particular regard to outlook.
- 10.3. The inspectorate observed due to its proximity, the additional scale of the built form of the scheme as experienced from the facing ground and first floor windows at No. 19 would create an undue sense of enclosure. As such, the proposal would reduce the enjoyment of these rooms for the residents of No. 19. This would be worsened by the limited outlook provided elsewhere in the rooms served by these facing windows. Even acknowledging the built-up nature of the surrounds, the resulting level of restricted outlook that would be provided for these habitable spaces would impact on the living conditions of neighbouring occupiers at No. 19 to an unacceptable degree.
- 10.4. The inspectorate took note of the appellant’s case, referencing similar developments granted permission in the surrounding area. However, commented that limited information on the relationship of these properties to neighbouring dwellings had been provided and these appear to relate primarily to applications for planning permission rather than prior approval such that they are not directly comparable to the scheme. In any event, each scheme is decided on its own site-specific merits and these
- 10.5. The inspectorate concluded that the proposal would result in significant adverse impacts on the living conditions of residents of No. 19 The Avenue with regard to outlook and as such would be contrary to the requirements of paragraph AA.2.(3)(a)(i) of Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, the appeal ought to be dismissed.

11. 31 Hazeldene Drive, Pinner, HA5 3NJ (Appeal Ref: [3317779](#))

- 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 the erection of a *“single storey front extension; single and two storey side extension, single storey rear extension, raised patio to rear; detached garage to front; external alterations (demolition of attached garage)”*.
- 11.2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.
- 11.3. The inspectorate observed that, although the Council object to the forward position of the proposed garage, the setting of No.31 is transitional in that sense the garage would serve as a visual stop and partly enclose the section of Hazledene Drive which has a conventional suburban street layout. The inspectorate commented that the proposal would affect only one side of the street, closing off the existing views across the frontage of No.31 into the open curtilage of the flats would tend to create a sense of a ‘gateway’ from one type of development into another. This would be a positive feature of

the proposal. For that reason I do not find that part of the proposal incongruous or in conflict with policy CS1.B of the *'Harrow Core Strategy'* (2012).

- 11.4. The inspectorate observed that the proposal would offer a significant 'upgrade' of a property which is somewhat bland in its use of materials and fenestration arrangements. The proposal would wrap the ground floor in a strongly articulated flat-roofed form surmounted by timber-clad new and existing elements. The inspectorate determined that the resulting building would appear as a well-designed freestanding element in the street which would, by its well expressed form and careful use of materials support the distinctive character of this part of the street without detracting from, and to some degree supporting, the evocative individual contributions to street-scene character found in those houses closest to the appeal site.
- 11.5. The inspectorate concluded that, subject to conditions, he found no conflict with Policies DM1A and DM1B of the *'Harrow Development Management Policies'* (2013). The appeal, subject to the usual timing and plans conditions succeeds.

12. 231-233 High Road, Harrow, HA3 5EE (Appeal A Ref: [3294634](#))

- 12.1. Appeal 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 to four storeys building to create flats; parking; associated landscaping; refuse and cycle storage; closure of two existing vehicle accesses and creation of new vehicle access"*.
- 12.2. The main issues were the effect of the proposed development on the character and appearance of the area, whether the proposed development would achieve sustainability objectives, whether fire safety standards would be met and whether the proposed development would secure appropriate levels of affordable housing.
- 12.3. On the topic of character and appearance, the inspectorate compared the proposal to the previous appeal scheme and acknowledged the extent of that hardstanding as being reduced to include a significant proportion of the rear garden being retained, the scheme now fell more in line with established development, consistent with surrounding area and neighbouring plots. Elements which now are considered to have an acceptable effect on the character and appearance of the area, in accordance with Policy D3 of the *'London Plan'* (2021), Policies DM1, DM22 and DM42 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) to include Harrow Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010).
- 12.4. On the topic of energy, fire safety and affordable housing, the inspectorate concluded that the proposal accorded with the relevant provisions of Policies SI2, D12 and H4 of the *'London Plan'* (2021), Policy LP3 of the *'Harrow Core Strategy'* (2012) and Policy DM24 of the London Borough of Harrow Council's *'Development Management Policies'* (2013).
- 12.5. On the topic of neighbour amenities, the inspectorate took note the comments received from neighbouring occupiers and others, including matters relating to noise, privacy, loss of light and outlook. The inspectorate commented that construction activity could be controlled by conditions imposed, that there would be no unacceptable effect on daylight or sunlight to the occupiers of those neighbouring properties, with no evidence to the contrary. Lastly, in respect of overlooking, upper floor windows to the side elevations although have the potential to result in the loss of privacy to the

occupiers of neighbouring properties would either serve bathrooms or form secondary windows to habitable rooms which subject to condition could adequately deal with this matter through the requirement to install obscured glazing.

- 12.6. On planning balance, the inspectorate acknowledged conflict with Policy SI3 of the 'London Plan' (2021), however, concluded that the proposed development would contribute towards housing provision in the borough and would also be economic and social benefits in supporting employment during construction, and as future occupants would bring additional trade to the local area. Which, on balance, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The appeal is allowed, and planning permission is granted.
- 12.7. On the application for award of costs, the applicant's case was that the Council has acted unreasonably in that there were delays in providing appeal documentation and that it failed to properly co-operate with the applicant, including in respect of the legal agreement. This is alleged to have resulted in wasted time and cost.
- 12.8. In respect of the delays in appeal procedures, the inspectorate was not of the view that this such events had necessarily resulted in any unnecessary or wasted expense in the appeal process.
- 12.9. In respect of the planning decision, the inspectorate noted each of the Council's reasons for refusal, including reasons 2 and 3, which were specific and relevant to the application. The inspectorate considered them to clearly state the policies of the development plan which the proposal is considered to conflict with. These reasons, in the inspectorate's view, when taken together with the officer report, have been adequately substantiated, irrespective of any other decisions or proposals on the same site.
- 12.10. The inspectorate concluded that, although it is evident from the main decision that he had disagreed with a number of the Council's reasons for refusal. Nevertheless, he was satisfied that the Council's overall determination of the application, and its reasoning, were credible and that it was entitled to reach the decision it did. Similarly, the Council's counter request for costs is not warranted since there was insufficient evidence to substantiate this or to demonstrate how the applicant behaved unreasonably. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs and Council's counter request for costs is not warranted.

13. 16 Thistlecroft Gardens, Stanmore, HA7 1PN (Appeal A Ref: [3316248](#))

- 13.1. Appeal made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the erection of a "single storey rear extension".
- 13.2. As a point of procedure, the inspectorate commented that the decision notice was published subsequent to the submission of the appeal, therefore it is of no material effect. Notwithstanding this, it is instructive of the Council's position which he will account for in the main issue.
- 13.3. The main issue is the effect of the proposed development on neighbouring users at 14 Thistlecroft Gardens.
- 13.4. The inspectorate acknowledged that the appeal site had a significant planning history and the current proposal seeks to address the reasons for refusal, at appeal, of recent proposals, primarily in regard

to the extent of the proposed single storey rear extension, with a reduction to 4m projection from the rear wall of No.16 and a height of 3m.

- 13.5. The inspectorate observed that, whilst the reduction in the projection of the proposed extension could reduce the harmful effects identified in previous decisions, the height of the proposal appears to be measured from the existing floor level of No.16, which is significantly above the level of the neighbouring outdoor amenity area, and thereby impacting users of both the outdoor amenity space and its kitchen.
- 13.6. The inspectorate took note of the appellant's argument laying significant stress upon the status of the kitchen as a non-habitable room, which he disagreed on. The appellant also referred to a 'fall-back position' of a raised patio and tall boundary fence, which the inspectorate also considered carried little weight. The inspectorate took note of the appellant's references to permitted development and concluded that what is proposed would be significantly higher at the boundary even if there were no level difference.
- 13.7. The inspectorate established that this conclusion is not inconsistent with previous appeal decisions brought to their attention. In addition, there appeared to be discrepancies between the drawings and what is found on site. The inspectorate concluded that the proposal would fail to comply with Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), which, amongst other things, requires proposals to have regard to impact on neighbouring users. Consequently, for the reasons given above and taking all matters raised into account, the appeal was dismissed.
- 13.8. On the application for award of costs, the applicant asserts that the Council have not substantiated their reasons for refusal or provided reasonably requested information and granted permission on a similar application.
- 13.9. The inspectorate referred to the appeal assessment which indicated, not only was there doubt about the height of that fence but the submitted drawings depicting the extension visible above a fence but there was also significant inconsistency which might have misled decision-takers. Stating that it was apparent that the applicant was aware of the relevance of the height of the proposed extension at the boundary but nevertheless continued with an appeal that did not address that concern.
- 13.10. The inspectorate concluded that, as described in the Planning Practice Guidance, unreasonable behaviour on the part of the Council resulting in unnecessary or wasted expense had not been demonstrated.

14. North Lodge, Brookshill, Harrow Weald, Harrow, HA3 6RT (Appeal Ref: 3313254)

- 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 *"demolition of existing side/rear kitchen extension; erection of replacement side/rear single storey extension, accessibility ramp and associated works"*.
- 14.2. The main issues were whether or not the proposed development would amount to inappropriate development in the Green Belt having regard to guidance contained within the *'National Planning Policy Framework'* (2023) and any other relevant planning policies, and the effect of the proposed development on the character and appearance of the appeal property (non-designated heritage

asset), the setting of nearby listed buildings, locally listed Park and Garden and the Harrow Weald Park Conservation Area.

- 14.3. As a procedural matter, the inspectorate highlighted that the Council's officer report advocates that as a rule of thumb extensions of between 20% - 30% increase in footprint, floorspace and volume are considered generally acceptable. However, the inspectorate commented that this is an informal rule of thumb and is not set out in any of the Council's planning policies or guidance with which they had been provided.
- 14.4. On the topic of inappropriate development, the inspectorate observed that, the proposal would be materially larger than the existing extension, the proposal would represent a relatively modest addition to the living accommodation. The visual impact of the development on the host dwelling in its context would be limited and even when compared with the existing extension would not, in visual terms, appear disproportionate to the size of the original building. Nor, in the absence of compelling development plan support would it be disproportionate in numerical terms whether measured by footprint, floorspace or volume. Concluding that the proposal would not be inappropriate development in the Green Belt and would accord with Policy CS1(F) of the '*Harrow Core Strategy*' (2012), and Policies DM1 and DM16 of the '*Harrow Council Development Management Policies*' (2013), Policy G2 of the '*London Plan*' (2021).
- 14.5. On the topic of character and design, the inspectorate observed that, the proposal would replace a smaller existing extension. It would be deeper and wider than the existing extension and would have a flat roof. Although the original cruciform floorplan form of the building would be lost, the current extension has already eroded that form. Furthermore, the proposal's flat roof would mean that the pitched cruciform roof plan would not be altered. Furthermore, the proposal would remove elements of the existing extension which currently obscure parts of the cruciform roof and crenelations of the original building which would be a benefit of the proposal. Given the location of the proposal on the rear of the property and its flat roofed design it would appear subservient to the main dwelling and as a result.
- 14.6. On the topic of heritage impact, the inspectorate went onto to observe the scale and siting of the proposal, stating that although closer to the boundary than the original house and the current extension, the proposal would be set back from and clearly separated from the gate piers and would not affect their significance.
- 14.7. The inspectorate concluded that the proposal would not appear incongruous or obtrusive in its context and would preserve or enhance the character or appearance of the HWPCA and the setting of the Grade II listed gate piers, and the significance of the locally listed building. Consequently, the proposal would accord with Policy CS1(B and D) of the '*Harrow Core Strategy*' (2012) and Policies DM1 and DM7 of the London Borough of Harrow Council's '*Development Management Policies*' (2013) and Policy D3 of the '*London Plan*' (2021).
- 14.8. On the application for award of costs, the applicant claimed that the local planning authority ('LPA') acted unreasonably because it failed to provide the applicant's agent with information relating to their planning application in a timely manner both prior to and following its determination. Thus, it is stated, the Council's officer report and consultation responses were only made available to the appellant at the appeal stage, following the refusal of the planning application, which was not, in any event, determined within the prescribed time periods.

- 14.9. The inspectorate stated that, although LPAs are under no obligation to publish officer reports, it is good practice to do so, however, the Council's case for this appeal was set out within their officer report rather than a subsequent statement. The inspectorate highlighted that in such circumstances, the value of an officer report would have allowed an appellant an early understanding of the reasoning and justification underpinning the refusal reason(s). As such, the path along which this appeal proceeds have compounded the Council's failure to publish and share the officer report with the appellant at an early stage and had necessitated the appellant submitting a second grounds of appeal to address the Council's detailed reasoning.
- 14.10. As a result of the above-mentioned actions, the appeal had to be made without sight of officer report and associated consultation responses. As such, on procedural grounds, the Council has displayed unreasonable behaviour resulting in unnecessary expense in relation to the appellant's agent's time in the preparation and submission of the second statement addressing the content of the officer report.
- 14.11. The inspectorate concluded that, the appeal costs should be part allowed in exercise of the powers under Section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 (as amended).
- 15. Land at Churchill Hall, Hawthorne Avenue, Harrow, HA3 8AG (Appeal Ref: [3315739](#))**
- 15.1. The appeal was made under Section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the London Borough of Harrow on December 20th, 2022.
- 15.2. The breach of planning control as alleged in the notice is "Without planning permission:
- the material change of use of the Land from community hall and associated car park to a mixed use of car sales, car wash tyre replacement and service centre (the "Unauthorised Use"); and
 - the construction of boundary treatment comprising of a hoarding and fence, including two gates and canopy structure (which is attached to the fence fronting Kenton Road) (the "Unauthorised Operational Works").
- 15.3. The requirements of the notice are:
- Cease the Unauthorised Use of the Land;
 - Remove from the Land all cars, the car wash, tyre replacement and service centre and paraphernalia, materials, structures including cabins and all advertisement signs associated with the Unauthorised Use;
 - Remove the Unauthorised Operational Works from the Land;
 - Remove from the Land all materials and debris arising from compliance with the aforementioned requirement of the Notice".
 - The time period for compliance with the notice is "Three months (3) from the date this notice takes effect".
- 15.4. The inspectorate observed that in the appeal form, no reasons were given why the appellant considers the time period to comply with the requirements of the notice to be too short, and what time period she considers is necessary. After several communications from the Inspectorate to seek clarification

of her grounds, the appellant eventually stated that due to having to seek legal advice, she requests that the compliance period be extended to August 20th, 2023. The inspectorate was mindful that some 6 months had elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, it follows that it will extend for almost two months beyond the period the appellant had requested. Therefore, the inspectorate saw no good reason to extend the compliance period further and the appeal ought to be dismissed, and the enforcement notice is upheld without variation.

16. 218 Kenton Lane, Harrow, HA3 8RW (Appeal Ref: [3289446](#))

16.1. The appeal was made under Section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the London Borough of Harrow on November 11th, 2021.

16.2. The breach of planning control as alleged in the notice is "Without planning permission:

- the unauthorised construction of single and two storey side extension and single storey rear extension. ("the Unauthorised Extension"); and
- the unauthorised construction of a hip to gable and rear dormer roof extension ("the Unauthorised Loft Conversion") together referred to as "the Unauthorised Development".

16.3. The requirements of the notice are:

- Demolish the unauthorised development; or
- Demolish the unauthorised loft conversion; and alter the unauthorised extension in accordance with the approved drawing for planning application reference P/2036/18.
- Make good any damage caused to the building as a result of the above step and ensure that all materials used shall match those used in the existing building.
- Remove from the land all materials and debris arising from compliance with the aforementioned requirements of the notice.
- The period for compliance with the requirements is six (6) calendar months.

16.4. The inspectorate observed the appellants argument contending that the six-month compliance period is too short to enable them to find alternative family accommodation to move to while the required works are carried out. They highlight cost and a shortage of nearby accommodation as factors that would make it difficult for them to comply with the specified six-month period. Nor do they consider this to be sufficient time to engage contractors, including a structural engineer, and source building materials. The enduring effects of the Covid-19 pandemic are also cited as having an effect on the cost and availability of building materials and builders. For these reasons, they are seeking to extend the compliance period to 12 months.

16.5. The inspectorate commented that no evidence has been submitted to substantiate the above claims. The inspectorate acknowledges that the works required to comply with the requirements of the notice are likely to be disruptive, but it had not been demonstrated that the property would have to be vacated during the works. Moreover, the appeal is pursued solely in relation to ground (g), seeking a longer period for compliance. The appellant, therefore, accepts that the requirements of the notice will need to be satisfied regardless of the outcome of this appeal.

16.6. The inspectorate concluded that, extending the compliance period to 12 months, as suggested, would unduly perpetuate the breach of planning control and the associated harm. Therefore, in weighing the balance between public and private interests, I consider that the public interest of expeditious compliance with the requirements of the enforcement notice. For the reasons above, the period for compliance with the requirements of the notice does not fall short of what should reasonably be allowed, therefore, the appeal out to be dismissed and the enforcement notice is upheld.

17. Land at 110 Streatfield Road, Harrow, HA3 9BT (Appeal Ref: [3304308](#))

17.1. The appeal was made under Section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the London Borough of Harrow on July 21st, 2022.

17.2. The breach of planning control as alleged in the notice is "Without planning permission:

- the construction of a single-storey rear extension ("Unauthorised Development").

17.3. The requirements of the notice are:

- Demolish the Unauthorised Development or alter the Unauthorised Development to accord with the approved plans for planning application reference P/1007/11;
- Make good any damage caused to the building as a result of the above actions; and
- Remove from the Land all materials, rubbish, and debris resulting from compliance with the above requirements, and restore the Land to its condition prior to the breach taking place.
- The period for compliance with the requirements is six (6) months.

17.4. The inspectorate observed the appellants argument contending that the appeal property is not a flat but is in fact a semi-detached house, and on that basis, they consider the works to fall under permitted development. The inspectorate concluded that appellant's assertions in this regard are contradictory, and they offer no evidence to suggest that the property was anything other than two flats at the time that the alleged unauthorised development took place. Consequently, the appellant has failed to demonstrate that the matters stated in the notice do not constitute a breach of planning control, therefore, the ground (c) appeal must fail.

17.5. The appeal on ground (a) is that planning permission ought to be granted for the matters stated in the notice. In doing so, they seek to retain the single storey rear extension as constructed in its current form.

17.6. On the topic of character and appearance, the inspectorate concluded that the development does not have an adverse effect on the character and appearance of the host property and the surrounding area. Therefore, the development is compliant with Policy CS1.B of the '*Harrow Core Strategy*' (2012), and Policies DM1 and DM16 of the '*Harrow Council Development Management Policies*' (2013), Policy D3 of the '*London Plan*' (2021) and Harrow Council's adopted Supplementary Planning Documents entitled '*Residential Design Guide*' (2010).

17.7. On the topic of living conditions for neighbouring occupants, the inspectorate concluded that the development does not significantly harm the living conditions of neighbouring residents, with particular regard to outlook and light. Therefore, there is no conflict with Policy DM1 of the London

Borough of Harrow Council's *'Development Management Policies'* (2013) or Policy D3 of the *'London Plan'* (2021), or the guidance set out within Harrow Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010).

17.8. For the reasons given above, the inspectorate concluded that the appeal succeeds on ground (a).

18. 59 Graham Road, Harrow, HA3 5RP (Appeal Ref: [3306785](#))

18.1. Appeal made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for a *"loft conversion with two storey side extension to form access"*.

18.2. The main issue is the effect of the proposal on the character and appearance of the surrounding area and the host property.

18.3. On the topic of character and appearance, the inspectorate observed that the proposal includes a dormer roof extension which would sit across the majority of the current rear roof space. The inspectorate went onto further comment that this would result in a large addition which would dominate the original dwelling. Given the appeal site is on a corner plot, with a long uninterrupted garden running parallel to Whitefriars Avenue, such a dominant addition would be highly visible and intrusive when viewed from Whitefriars Avenue.

18.4. The inspectorate concluded that, the proposal would not create a high standard of design by reason of its overly large design and layout which would conflict with Policy D4 of the *'London Plan'* (2021). The proposal would not be subservient to the street scene and would fail to respect the local context and character as required by Policy CS1.B of the *'Harrow Core Strategy'* (2012) and Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013). Therefore, the inspectorate found that this appeal ought to be dismissed.

18.5. The inspectorate did not pursue third party comments over harm to neighbour amenity with particular regard to sunlight, outlook, privacy and the effects of overbearing on neighbouring dwellings since the appeal had been dismissed on the main issue above.

18.6. The inspectorate did not pursue correspondence addressed to Harrow Council by the appellant discussing various complaints made over the course of the original planning application. The inspectorate considers these are not matters for this appeal which I have determined on the evidence before them, and the individual merits of the proposal and they would not lead him/her to a different conclusion.

18.7. On the application for award of costs, the appellant contends that the local authority failed to issue a decision in a timely manner.

18.8. The inspectorate commented that opportunities to apply for non-determination could have been utilised but was not. Furthermore, the LPA did issue a refusal and despite the delay, this would have likely resulted in an appeal in any event. The inspectorate concluded that, overall, from the evidence before them, they were not persuaded that the local authority had acted unreasonably in relation to procedural matters, nor was the inspectorate persuaded that the local authority has acted unreasonably in any substantive matters raised. For the above reasons and taking into account all other matters raised, the application for costs ought to be refused.

19. 9 - 11 Palmerston Road, Harrow, HA3 7RR (Appeal Ref: [3306081](#))

- 19.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission under Section 73 of the Town and Country Planning Act 1990 for the *“redevelopment of the site to provide 187 residential units (Use Class C3); 1393sqm office floorspace (Use Class B1) and 648sqm flexible commercial and community floorspace (Use Classes A1, B1, D1, D2) in 5 buildings between 1 and 17 storey’s in height; basement to provide carparking and cycle parking spaces; one vehicle access from Palmerston Road and one vehicle access from Masons Avenue; refuse storage; entrance gates; public realm landscaping; photo-voltaic panels; demolition of existing building without complying with a condition attached to planning permission Ref P/1619/16, dated 29th August 2019.”*
- 19.2. The main issue is the effect of the amended proposal on the living conditions of the occupiers of the surrounding residential properties and future occupiers of the development, having regard to parking provision.
- 19.3. On the topic of impact on amenities to local residents, the inspectorate observed the Council’s concerns that households in Harrow exhibit comparatively high levels of car ownership and that it is not practical for families to wholly depend upon public transport. However, commented that it had not been demonstrated that these factors would mean that the level of parking provision proposed in this case would lead to overspill onto surrounding roads such that it would give rise to harm to the amenities of local residents or the future occupiers of the development.
- 19.4. The inspectorate concluded that she found the amended proposal would not harm the living conditions of the occupiers of the surrounding residential properties and future occupiers of the development, having regard to the reduction in on-site parking provision. Consequently, the development would not conflict with the provisions of Policy CS1 of the *‘Harrow Core Strategy’* (2012), or Policies DM1 and DM42 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013).
- 19.5. The inspectorate took note the concerns raised by interested parties regarding the increase in height of the building, which the Council found to be acceptable. The inspectorate considered the revised plans, concluding that she had no reason to take a different stance to the Council. Commenting further that the revised scheme would suitably respect the design achievements of the scheme and the makeup of the surrounding built environment. For the above reasons and taking into account all other matters raised, the appeal ought to be allowed.
- 19.6. On the application for award of costs, the applicant alleged that the Council had acted unreasonably in preventing or delaying the development which should clearly be permitted, having regard to its accordance with the development plan, and had failed to produce evidence to substantiate the reason for refusal on appeal.
- 19.7. The inspectorate stated that, whilst she appreciated that parking may be a locally sensitive topic, the Council do not appear to have had proper regard to the conclusions of the independent Parking Survey, which indicates adequate capacity on local roads to accommodate any overspill car parking from the development. The inspectorate has found in favour of the applicant with regards to the level of car parking provision and that the Council did not present a fully substantiated case in support of why they felt that the proposal was unacceptable in this regard. In the absence of clear evidence to

the contrary, it was the inspectorates view that development in accordance with revised plans was delayed that should clearly have been approved.

19.8. As a result of the above-mentioned actions, the inspectorate found unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described in the PPG, a full award of costs is justified in exercise of the powers under Section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 (as amended).

20. 93 Headstone Road, Harrow, HA1 1PG (Appeal Ref: [3311098](#))

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 “*change of use from C4 small house in multiple occupation for up to 6 people to large house in multiple occupation (Sui Generis)*”.

20.2. The main issue whether the quality of the proposed accommodation would be acceptable.

20.3. The inspectorate observed that the proposed accommodation falls short of the minimum HMO standard and the internal communal area would be limited to the proposed kitchen, some additional communal space is necessary and important for the amenity and wellbeing of residents. The inspectorate went onto further state that the proposed ground floor arrangement would unacceptably compromise the privacy of the occupier of bedroom 3 and the useability of the proposed outdoor space to the detriment of the amenity of the residents of the larger HMO. As such, the overall quality of the proposed accommodation would be unacceptable.

20.4. The inspectorate concluded, the proposal is contrary to the design aspirations Policies DM1, DM27 and DM30 of the London Borough of Harrow Council’s ‘*Development Management Policies*’ (2013) and Policy D3 of the ‘*London Plan*’ (2021). For the above reasons, the inspectorate concluded that the appeal ought to be dismissed.

20.5. The inspectorate took note the appellants argument referring to other Houses in in Multiple Occupancy in the area (in particular, 76 Headstone Road), which they were advised is smaller than the appeal property with 8 rooms and is occupied by 10 persons. The inspectorate commented that even so, they have insufficient information in relation to the configuration of that property to compare its quality to the scheme before them.

20.6. On the application for award of costs, the applicant alleged unreasonable behaviour of the local planning authority (‘LPA’) and wasted expense.

20.7. The inspectorate stated that, the LPA is under no legislative obligation to inform the applicant of its reasoning prior to deciding on a planning application. Nevertheless, in this case, the LPA provided some commentary to the applicant, advising that the proposal was unlikely to be supported along with some preliminary reasoning for this. The applicant was also given the opportunity to withdraw the application.

20.8. The inspectorate agreed with the LPA that an extension of time, should not be a default fallback where there is a disagreement in positions. Highlighting further that no pre-application engagement was sought by the applicant where guidance contained within the ‘*National Planning Policy Framework*’ (2023) advises that early engagement has significant potential to improve the efficiency and

effectiveness of the planning application system for all parties. The inspectorate concluded that the LPAs decision to refuse the application despite the applicant's rebuttal is not in itself unreasonable behaviour, therefore, a full award of costs is not justified.

21. Martinhoe, East End Way, Pinner, HA5 3BS (Appeal Ref: [3322454](#))

- 21.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant outline planning permission for a *“first floor front extension; internal alterations; additional rooflights in front and crown roof, additional/ repositioning of Windows; other approved alterations retained (as per approved application reference no. P/2741/22)”*.
- 21.2. The main issue was the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.
- 21.3. The inspectorate observed that it was clear that the character and appearance of the original building would be significantly and harmfully changed by what had already been approved. Notwithstanding that, the inspectorate emphasised that the appeal site was neither a listed building or within a Conservation Area or its setting, thus their reasoning showed very little, if any, additional planning harm arising from differences between what had been already approved, the fallback position, and what is now proposed. The inspectorate affirmed that the proposal would fall short of compliance with the aspirations for good design set out in national policy and Policy DM1 of the *‘Harrow Council Development Management Policies’* (2013).
- 21.4. The inspectorate concluded that, in consequence the weight which must be applied to the above conflict is very limited and outweighed by the admittedly modest economic and social benefits of bringing the existing house back into use. For the above reasons and taking into account all other matters raised, the appeal ought to be allowed.

22. 82 Drummond Drive, Stanmore, HA7 3PE (Appeal Ref: [3314393](#))

- 22.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of a *“6m single storey extension”*.
- 22.2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of No 80 Drummond Drive.
- 22.3. The inspectorate observed that the existing high fence on the common boundary will already cause some loss of light and shadowing when viewed from the rear windows and outdoor area of No 80, particularly during the afternoon. Taking into account the height and position of the existing fence, the distance to the boundary and limited and reducing height of the proposed extension, the degree of additional overshadowing would be minimal.
- 22.4. The inspectorate also observed that the neighbouring property at No 80 has a single storey side extension rear along the same building line as that of the appeal property. The majority of the joint

boundary, in proximity to No 80 was then screened by tall and dense vegetation. As such the proposed visibility of the flank wall of the extension would be limited as it would be well screened.

- 22.5. The inspectorate went onto further agree with the Council in that adequate outlook would be maintained from the rear window and outdoor area of No 80, and the proposal would not cause material harm to the occupier of No 80's living conditions due to loss of daylight or sunlight.
- 22.6. The inspectorate concluded that the proposed development would not have a harmful effect on the amenity of the occupiers of No 80. As such it would accord with Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and Harrow Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010). For the reasons given above, the appeal is allowed, and prior approval granted.

23. Devonshire House, 582 Honeypot Lane, Stanmore, HA7 1JS (Appeal Ref: [3315556](#))

- 23.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *"construction of a new three storey office building (Class E) with associated parking and landscaping"*.
- 23.2. The main issue is whether the proposed development would be in an acceptable location, with specific regard to being within a Strategic Industrial Location (SIL).
- 23.3. The inspectorate observed that Policy CS8(E) of the *'Harrow Core Strategy'* (2012) identifies the SIL of the Honeypot Lane Industrial Business Park within which the site lies, stating that it will be retained for appropriate B1, B2 and B8 uses. SILs are designated by Policy E5 of the London Plan. E5(C) states that development proposals should be supported where the proposed use falls within the industrial-type activities set out in the London Plan Policy E4(A). Offices are not listed within E4A.
- 23.4. The appellant suggests that office development within the SIL is not precluded by Policy CS8(E) through its use of the term 'appropriate' when referring to B1 uses, and with reference to Paragraph 11.7 of its justification text.
- 23.5. The inspectorate commented that they did not find that any nuance of Policy CS8(E) supports new office floorspace, when read alongside the preclusion for offices in the policies referenced above, and in the *'National Planning Policy Framework'* (2023) with relation to offices being a main town centre use.
- 23.6. The inspectorate concluded, the proposed development would not be in an acceptable location, with specific regard to being within a SIL. It would therefore conflict with Policies E1, E4 and E5 of the *'London Plan'* (2021) and Policy CS8 of the *'Harrow Core Strategy'* (2012). With no other material considerations outweighing the above conflict, the appeal ought to be dismissed.

24. 39 Northolme Gardens, Edgware, Harrow, HA8 5AY (Appeal Ref: [3321153](#))

- 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 the *"erection of single and two storey side extension, single and two*

storey rear extension, first floor side extension, alterations to roof, rear dormer, two rooflights in front roof slope and external alterations including demolition of attached garage and rear extension”.

- 24.2. The main issue is the effect of the first-floor elements of the proposed side and rear extensions on the character and appearance of the host dwellinghouse, the street scene and the surrounding area.
- 24.3. The inspectorate expressed that they shared the Council’s concerns that the two-storey side extension which would have no set in from the street, when taken as a whole, would appear as a stark and unsympathetic feature in Broomgrove Gardens on this prominent corner plot.
- 24.4. The appellant drew the inspectorate attention to a number of other examples of two storey side extensions on corner plots in the locality. Notwithstanding this, the inspectorate found that they are not readily comparable with the more extensive and prominent appeal proposal, in any case, advised that this appeal must be judged on its own merits.
- 24.5. The inspectorate concluded, the proposed development would conflict with Policies D3.D 1) and 11) of the ‘London Plan’ (2021) and Policy CS8B of the ‘Harrow Core Strategy’ (2012) and Harrow Council’s adopted Supplementary Planning Documents entitled ‘Residential Design Guide’ (2010). For the reasons set out above and having regard to all other matters raised, including that the semi-detached pair had been extended to the side, the inspectorate concluded that the appeal should be dismissed.

25. 13 Felbridge Avenue, Stanmore, Harrow, HA7 2BZ (Appeal Ref: [3321250](#))

- 25.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *“loft conversion, hip to gable associated rear dormer and front roof skylight”*.
- 25.2. The main issue is the effect on the character and appearance of the area.
- 25.3. The inspectorate observed that the plans do not indicate how the rear alterations would be finished or demonstrate that they would have a satisfactory relationship. The inspectorate stressed that, without plans that accurately show how this arrangement would work in practice, I am not persuaded that it would not result in poor design. This particular combination of elements does therefore conflict with the design aspirations of policy DM1 A of the London Borough of Harrow Council’s ‘Development Management Policies’ (2013) and Policy D3 of the ‘London Plan’ (2021).
- 25.4. Moreover, the inspectorate commented that the relationship between the rear extension and the dormer window would represent poor design in conflict with paragraph 6.71 Harrow Council’s adopted Supplementary Planning Documents entitled ‘Residential Design Guide’ (2010).
- 25.5. The inspectorate concluded, the works to the frontage of the property would be acceptable. However, the plans do not accurately demonstrate how the combination of the proposed dormer and the revised rear roof form of the two-storey rear extension would be achieved. It would appear that it would represent poor design which in any event, the plans were not consistent and are not a suitable basis for a planning permission, therefore the appeal ought to be dismissed.

26. 86A Arundel Drive, Harrow, HA2 8PP (Appeal Ref: [3317036](#))

- 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 *“part single storey and first floor extension”*.
- 26.2. As a procedural matter, the inspectorate highlighted that during their site inspection, he observed that some works have taken place which include a hip to gable roof conversion. The inspectorate drew attention to the fact that the existing plans submitted by the appellant are therefore not reflective of the current situation on-site.
- 26.3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.
- 26.4. The appellant in their statement of case, appellant argued that the proposed first floor rear extension would be well designed, would harmonise with the host dwelling, and be finished with sympathetic materials. The appellant also drew the inspectorate’s attention to the varied nature and design of other developments in the area.
- 26.5. The inspectorate observed that the resultant extension would appear awkwardly disjointed and bland due to the lack of fenestration on two of the three exterior walls that comprise the extension. The development would jar with the architectural form of the host dwelling which is characterised by a conventional design incorporating straight side walls. The inspectorate concurred with the Council in that the resultant roof form would be distorted and would unbalance the appearance of the property. On the examples provided by the appellant, the inspectorate observed that those were not comparable to the proposed development and support further that each proposal must be considered on its own individual merits.
- 26.6. The inspectorate concluded, the proposal would adversely impact the character and appearance of the host dwelling and surrounding area in conflict with Policy D3 of the *‘London Plan’* (2021), Policy CS1 of *‘Harrow Council’s Core Strategy’* (2012), Policy DM1 of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013) and the *‘National Planning Policy Framework’* (2023) and Harrow Council’s adopted Supplementary Planning Documents entitled *‘Residential Design Guide’* (2010). Therefore the appeal ought to be dismissed.

27. 1 Spencer Road, Harrow, HA3 7AN (Appeal Ref: [3311776](#))

- 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 the *“conversion of the dwellinghouse into 3 no flats.”*
- 27.2. The main issues are whether the proposed development would provide acceptable living conditions for future occupants with regard to the internal space and configuration of the flats, and privacy for flat 3 and the effect of the development on the character and appearance of the host building and the area.
- 27.3. On subject matter living conditions, the inspectorate observed that Flat 1 would fall significantly short of this minimum internal space standard and importantly, the other rooms in the flat would not have an adequate amount of space to provide a suitable living area. As a result, flat 1 would not be a

comfortable and functional layout, would not be fit for purpose, and would not provide acceptable living conditions for its future occupants.

- 27.4. The inspectorate concluded the above aspect fell in conflict with Policy D6 of the 'London Plan' (2021), and Policies DM1 and DM26 of the London Borough of Harrow Council's 'Development Management Policies' (2013) and the Council's adopted Supplementary Planning Documents entitled 'Residential Design Guide' (2010). The development would also conflict with the minimum standards contained within the 'Nationally Described Space Standard' (2015) and guidance contained within the 'National Planning Policy Framework' (2023).
- 27.5. The inspectorate took note of the supporting case put before them by the existing tenant of flat 3 and claims that their children would be homeless without this home. The inspectorate had claimed due regard to Articles 1 and 8 of the Human Rights Act 1998, Article 3 of the United Nations Convention on the Rights of the Child and the Public Sector Equality Duty under the Equality Act 2010. Concluding that there will be no unacceptable violation of the existing occupants or their family's human rights.
- 27.6. The inspectorate concluded that the proposal would conflict with the development plan as a whole and there are no material considerations, that outweigh the harm identified and that it is proportionate and necessary to dismiss the appeal.
- 28. 24 Winkley Court Eastcote Lane, Harrow, HA2 8RT (Appeal Ref: [3318008](#))**
- 28.1. 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 1m high brick pier boundary wall with front and rear pedestrian gates and electronic sliding vehicle entrance gate to side".
- 28.2. The main issues were the effect of the development upon the character and appearance of the area and parking provision and the operation of the Highway.
- 28.3. On subject matter parking provision, the inspectorate commented that there is nothing before him to indicate that this would affect the operation of the highway network or its safety, nor had it been demonstrated that the result of the works proposed would significantly diminish the provision of parking. The inspectorate concluded that the Council's objection is based on an unevidenced assumption as to displacement of parking, I see little conflict With Policy DM42(E) of the London Borough of Harrow Council's 'Development Management Policies' (2013).
- 28.4. On subject matter of character and appearance, the inspectorate commented that the appeal site is a poorly maintained parcel of land which does not make a positive contribution to the street scene and gives the impression of being unmanaged and uncontrolled due to the absence of any enclosing walls or other demarcation.
- 28.5. The inspectorate concluded that the proposal would offer an opportunity to address this and to enhance the street scene in a practical manner, what is proposed would certainly not be out-of-place with the existing types of boundary treatments and the proposal would not conflict with Policy DM1 of the London Borough of Harrow Council's 'Development Management Policies' (2013). Therefore the appeal ought to be allowed.

29. 27 Dalkeith Grove, Stanmore, HA7 4SQ (Appeal Ref: [3320385](#))

- 29.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *“erection of part single part two storey side and rear extension, raising roof and loft conversion with rear dormer and side dormer, new gable ended roof on existing two storey front element, conversion of garage into habitable room, erection of front porch”*.
- 29.2. The main issues were the effect of the proposal on the character and appearance of the local area, including on the setting of the adjacent Canons Park Conservation Area and Grade II listed Registered Park and Garden.
- 29.3. The inspectorate commented that, in terms of the side dormer, this would be of modest proportions in relation to the side roof slope and side dormers are found on a number of the surrounding properties. The inspectorate further observed that, whilst the proposal would materially increase the size of the property, including at roof level, I consider that the extensions and alterations would not be overly large in relation to the plot or adjoining properties and the dwelling as proposed to be extended would be readily assimilated into the street scene.
- 29.4. The inspectorate further commented that, he/she did not consider that the proposed changes to the appeal property would materially affect the way in which the Conservation Area would be experienced compared with the current situation. The inspectorate was not persuaded that the proposed changes to the appeal property would materially affect either the views into or out of the Conservation Area and would not therefore materially harm the significance of or the setting of the Conservation Area.
- 29.5. The inspectorate concluded that, they found the proposal would respect the character and appearance of the local area and would preserve the setting of the Canons Park Conservation Area and the Registered Park and Garden. There would be no conflict with Policies D3.D (1) and (11) and HC1 of the ‘London Plan’ (2021), Policies CS1.B and CS1.D of the ‘Harrow Core Strategy’ (2012) and Policies DM1 and DM7 of the London Borough of Harrow Council’s ‘Development Management Policies’ (2013), the Council’s adopted Supplementary Planning Documents entitled ‘Residential Design Guide’ (2010) and the Canons Park Conservation Area Appraisal and Management Strategy as well as the ‘National Planning Policy Framework’ (2023). Therefore the appeal ought to be allowed.

30. 92 Cavendish Avenue, Harrow, HA1 3RQ (Appeal Ref: [3318569](#))

- 30.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *“demolition of the existing rear and side extensions including garage and construction of a new rear and side extension at ground floor with pitched roof and roof lights over, also a rear extension at first floor for additional bedroom accommodation”*.
- 30.2. The main issues were the effect of the proposal on the character and appearance of the host property and the area and the effect of the proposal on the living conditions of the occupiers of number 94 Cavendish Avenue (number 94) with regard to daylight, sunlight and outlook.
- 30.3. As a preliminary matter, the inspectorate makes note of the appellants indication that in the event that the appeal is to be dismissed the appeal proposal as originally submitted, they would be agreeable to an alternative scheme being considered. The appeal submission therefore includes plans, elevations and a revised Design & Access Statement in relation to this alternative scheme. The

inspectorate had indicated that the alternative scheme is fundamentally different to that considered by the Council and interested parties have not had an opportunity to comment on this alternative scheme. Having regard to the Wheatcroft principles and procedural guidance, it would not be fair or reasonable to determine the appeal against the amended plans, as to do so would prejudice interested parties.

- 30.4. On character and appearance, the inspectorate observed on site that the dwellings on Cavendish Avenue have an original, yet small, flat roof feature at the rear of the property at first floor level. Whilst what is proposed would be larger and more prominent than this original feature found on neighbouring properties, the flat roof design is not considered to be alien or out of keeping with the style of the area. The inspectorate concluded that this aspect of the development would not constitute an incongruous and disproportionate addition to the host dwelling and would not harm the character and appearance of the area.
- 30.5. On living conditions of neighbouring occupiers, the inspectorate observed that due to the orientation of the appeal site in relation to this neighbour, the single storey rear extension would also result in significant levels of overshadowing through the loss of both sunlight and daylight to the rear elevation of this property, and the outdoor amenity space directly to the rear of this neighbour. The impact on sunlight received would be particularly harmful in the early part of the day when the sun rises in the east, and the impact would only be exacerbated by the proposed single storey rear extension being set directly up to the shared boundary.
- 30.6. The inspectorate concluded that by reason of its siting, scale and rearward projection, the proposal would have an undue impact on the living conditions of the occupiers of the neighbouring property at 94 Cavendish Avenue conflicting with the requirement of Policy D3 of the *'London Plan'* (2021), Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013), the Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010) and guidance contained within 'Paragraph 130(f)' of the *'National Planning Policy Framework'* (2023). As such, the proposal is unacceptable, and the appeal ought to be dismissed.

31. 86 Spencer Road, Harrow, HA3 7AR (Appeal Ref: [3314391](#))

- 31.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *"Proposed new 4-bedroom detached dwelling with associated cycle store, refuse store, and garden amenity space."*
- 31.2. The main issues were the effect of the proposed development on the character and appearance of the area and the living conditions of the existing occupiers of the host and neighbouring properties, nos. 84, 88 and 90, with particular regard to privacy, light and outlook; and the Council's spatial strategy for growth.
- 31.3. On character and appearance, the inspectorate observed the design of the proposed property to include a centrally located recess at first and second floor, which interrupts the roof form. It also includes openings of differing sizes, some with a vertical emphasis and others with a horizontal emphasis. This is at odds with surrounding properties, which do not have any recessed features and largely uniform openings with a vertical emphasis. The inspectorate concluded that this would result in harm to the character and appearance of the area contrary to Policy CS1.B of the *'Harrow Core Strategy'* (2012), Policy DM1 of the London Borough of Harrow Council's *'Development Management*

Policies' (2013), the Council's adopted Supplementary Planning Documents entitled '*Residential Design Guide*' (2010) and guidance contained within the '*National Planning Policy Framework*' (2023).

- 31.4. On topic of living conditions of neighbouring occupiers, specifically on loss of privacy, the inspectorate observed that there are two first floor windows serving bedroom nos. 2 and 3 in the side elevation of the proposed property. Both windows face towards the rear elevations of nos. 86 and 88. Having regard to the proximity and orientation of the proposed property, there would be direct and oblique views into the rear windows and rear gardens serving no. 86 and 88, resulting in a loss of privacy for the existing occupiers of these properties. The inspectorate concluded that the development would result in a harmful impact upon the living conditions of existing occupiers contrary to Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013), Policy D3.D(7) of the '*London Plan*' (2021), the Council's adopted Supplementary Planning Documents entitled '*Residential Design Guide*' (2010) and guidance contained within the '*National Planning Policy Framework*' (2023),
- 31.5. On the topic of spatial strategy for growth, the inspectorate observed the site is still connected to no. 86 and there is direct access from no. 86 into this area. There was no evidence before him/her that demonstrates the site has been legally or physically severed from the host property. Having regards to the above and on the balance of probabilities, the appeal site does not comprise a residential garden, thus would not harm the Council's spatial strategy for growth and therefore complies with Policies CS1.A and CS1 of the '*Harrow Core Strategy*' (2012).
- 31.6. For the above-mentioned reasons, the appeal ought to be dismissed.

32. 74 Radnor Road, Harrow, HA1 1SA (Appeal Ref: [3308268](#))

- 32.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the "*conversion of existing house to 3 flats with associated amenities space, bin stores, cycle stores, green roof and solar panels.*"
- 32.2. The main issues were whether the proposal provides suitable and accessible cycle storage facilities and the effect of the proposed refuse and recycling storage facilities on the character and appearance of the area.
- 32.3. On matters pertaining to cycle storage, the inspectorate observed that cycle store for each flat would be located within the respective amenity space for that flat, to the rear of the building. The cycle stores would be accessed via the existing side access. Whilst this access is constrained by the side gable of the appeal property and a shared boundary fence, the access is relatively straight and without any obstructions and is not dissimilar to others which serve properties in this road, including those which have been converted to flats. The inspectorate concluded that the proposed cycle storage facilities would be suitable and accessible in accordance with Policy T5 of the '*London Plan*' (2021), Policies DM1 and DM42 of the London Borough of Harrow Council's '*Development Management Policies*' (2013).
- 32.4. On matters pertaining to character and appearance, the inspectorate observed that the proposed scheme includes two areas for general and recycling waste bin storage, the scale of these enclosures would be modest relative to the size of the overall frontage and the proposed layout also allows sufficient space for soft and hard landscaping. The inspectorate also made comment over the

arrangement and risk of rodent infestation to state that such issues can be addressed through other legislation. The inspectorate concluded that the proposal accords with the aims of Policies DM1, DM23, DM26 and DM45 of the London Borough of Harrow Council's 'Development Management Policies' (2013) and Policy CS1B of the 'Harrow Core Strategy' (2012), together with Policy D3 of the 'London Plan' (2021). For the above-mentioned reasons, the appeal ought to be allowed.

32.5. The inspectorate concluded that by reason of its siting, scale and rearward projection, the proposal would have an undue impact on the living conditions of the occupiers of the neighbouring property at 94 Cavendish Avenue conflicting with the requirement of Policy D3 of the 'London Plan' (2021), Policy DM1 of the London Borough of Harrow Council's 'Development Management Policies' (2013), the Council's adopted Supplementary Planning Documents entitled 'Residential Design Guide' (2010) and guidance contained within 'Paragraph 130(f)' of the 'National Planning Policy Framework' (2023). As such, the proposal is acceptable, and the appeal ought to be allowed.

32.6. The inspectorate did further make remark on other topics, those being third parties' representatives over suitability of the side access for wheelchair users. The inspectorate commented that this is an existing access and they have not been directed to any specific legislative requirement for this, that internal configurations and the suitability of the conversion if necessary for wheelchair use are considered as part of Building Regulations requirements. The implications of the proposal for on-street parking demand had also been briefly examined by the inspectorate, drawing attention to the provisions made for cycle storage which encouraged more sustainable travel, outlining further that they had limited information to substantiate the extent of any such existing on-street parking demand, in any event this was not a refusal reason specified.

33. 66 Yeading Avenue, Rayners Lane, Harrow, HA2 9RN (Appeal Ref: [3307546](#))

33.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the erection of a "new dwelling to the side of an existing house."

33.2. The main issues were whether the site is a suitable location for the proposed development, having particular regard to the Council's spatial strategy for growth and the effect of the proposed development on the character and appearance of the area.

33.3. On topic of suitable location for housing, the inspectorate observed the proposed extension to the side, would be two-storey and greater than half the width of the existing house. Its front elevation would extend to the side boundary, filling the full width of the site frontage when viewed from Yeading Avenue. The side boundary of this triangular plot extends along the footpath of Waverley Road and encloses the site with a high boundary fence. The inspectorate concluded the appeal site is not a suitable location for new residential development having regard to the provisions of the development plan. It would not comply with requirements of Policy CS1.A and CS1.B of the 'Harrow Core Strategy' (2012), the guidance contained within the Council's adopted Supplementary Planning Documents entitled 'Residential Design Guide' (2010) or the Council's adopted Supplementary Planning Document entitled 'Garden Land Development' (2013).

33.4. The inspectorate could not consider appeal decisions since they had not been provided with any details of such scheme to enable them to determine whether there were any comparisons to this proposed development. In any case, the inspectorate determined the appeal on its own merits.

- 33.5. On topic of character and appearance, the inspectorate observed the proposed extension would be the same width as the existing property, and therefore by virtue of its scale, would not appear as a subservient addition to the host property. Furthermore, due to the site being prominently located on a corner plot, the extension would fail to achieve an acceptable relationship to the host property and surrounding area, introducing an incongruous built form which does not reflect local character and the general pattern of development found within the area contrary to Policy D3 of the '*London Plan*' (2021) and Policy CS1.B of the '*Harrow Core Strategy*' (2012) and Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013).
- 33.6. The inspectorate concluded that the proposal would not accord with the development plan when taken as a whole, there were no material considerations of sufficient weight to indicate the appeal should be determined other than in accordance with the development plan. Therefore, the appeal ought to be dismissed.
- 34. 309A Station Road, Harrow, HA1 1LF (Appeal Ref: [3307447](#))**
- 34.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for a "*Dormer extensions to the rear of the property and conversion into 3 self-contained flats.*"
- 34.2. The main issues were the effect of the proposed development on the character and appearance of 309a Station Road (No 309a) and its significance as a non-designated heritage asset (NDHA) and the character and appearance of the area; whether the development would provide acceptable living conditions for future occupiers of Flat 3, having regard to internal floor area and head height; and the effect of the proposed development on the living conditions of the occupiers of 307a Station Road (No 307a) with specific regard to outlook and sense of enclosure.
- 34.3. On topic of character and appearance, the inspectorate observed the dormer as larger in scale which extended the full width of the property. Consequently, it would be substantially greater in scale and bulk than the others at this height. As a result, it would be a visually dominant and discordant feature in the rear roof slope of the building and would diminish its character and appearance. The roof extension would introduce a rear projection to the second floor of the property, which would alter the profile of the catslide roof and fall inconsistent with the catslide roof form of the buildings within the group of locally listed buildings and thereby diminish its significance and that of the group. The inspectorate concluded that the above mentioned elements would fall contrary to Policy D3 (D1 and D11) of the '*London Plan*' (2021) and Policies CS1.B and CS1.K of the '*Harrow Core Strategy*' (2012), Policies DM1 and DM7 of the London Borough of Harrow Council's '*Development Management Policies*' (2013) and guidance contained within the Council's adopted Supplementary Planning Documents entitled '*Residential Design Guide*' (2010).
- 34.4. On topic of living conditions of neighbouring occupiers, the inspectorate observed the Council's concerns over the shortfall in GIA, combined with the lower ceiling height, specifically that of future occupiers of Flat 3. She went onto observe that, due to the siting and scale of the rear extension in relation to the bedroom window at No 307a it would have an overly enclosing and overbearing effect upon the outlook from the window. The inspectorate concluded that the proposed development would not provide acceptable living conditions for future occupiers of the property or safeguard that of its neighbours contrary to Policies D3 (D7), D6 of the '*London Plan*' (2021) and Policies CS1.K of the

'Harrow Core Strategy' (2012), Policies DM1 and DM26 of the London Borough of Harrow Council's 'Development Management Policies' (2013).

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

35. Northeast highways verge at junction of Courtenay Avenue and Chicheley Gardens, Courtenay Avenue, Harrow, HA3 6LW (Appeal Ref: [3313795](#))

35.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the *"installation of 1No. 17.5m high monopole together with 2No. equipment cabinets, 1No. meter cabinet and ancillary apparatus thereto"*.

35.2. As a preliminary matter, the inspectorate drew attention to the Council referring to a number of development plan policies in its decision notice. The inspectorate emphasised that the principle of development is established by Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) and thus do not require regard to be had to the development plan, this being the basis of their determination.

35.3. The main issues were the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

35.4. On the topic of character and design, the inspectorate observed that the proposal would be readily visible to varying degrees from certain vantage points along the surrounding roads, including Courtenay Avenue and Chicheley Gardens. However, with its slimline monopole and stacked antenna design, and being viewed within the context of the nearby high tree screening and canopy backdrop, the proposal's height would be softened, and its form would not appear unacceptably prominent or incongruous in the street scene. The proposed cabinets would be located to its outer edge and only a small area would encroach into it. It would be located close to the road and nearby associated street furniture. With its short linear cabinet arrangement and separate monopole, when viewed in the context of the wide and extensive road and verge corridors, it would not appear as an overly dominant feature in the verge. It would not result in any significant visual clutter that would be detrimental to the character and appearance of the area or the quality of the open space. As such, insofar as it is a material consideration, the above-mentioned elements would comply with Policies DM1 and DM49 of the London Borough of Harrow Council's *'Development Management Policies' (2013)*.

35.5. On the topic of availability of alternative sites, the inspectorate observed the discounted sites by the Council, the inspectorate concluded that the assessment still demonstrates that eight alternative sites had been considered and the reasons for discounting them were sufficiently detailed. The inspectorate concluded that the appellant has sufficiently demonstrated that alternative sites have been explored and discounted for specified reasons. The proposal, which would support the expansion of high-quality electronic communications networks, would accord with the National Planning Policy Framework (2021) in respect of new telecommunications sites.

35.6. On other matters, the inspectorate took note of representation received, specifically concerns over potential effects on health and wellbeing, the inspectorate highlighted that a certificate to confirm

that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) has been submitted and that no sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with, and no evidence that resident safety would be harmed by the proposal had been presented.

35.7. The inspectorate concluded that, for the reasons given above, the appeal should be allowed and prior approval should be granted.

36. 2 Westmorland Road, Harrow, HA1 4PN (Appeal Ref: [3305756](#))

36.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the erection of a *“two-storey front extension; two-storey side extension, single storey rear extension, creation of end of terrace dwelling, separate amenity space, bin and cycle stores.”*

36.2. The main issues were whether the proposed development would provide a suitable location for housing, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) and its effect on the character and appearance of the host dwelling and the area.

36.3. On topic of suitable location for housing, the inspectorate notes the appellant’s contention that the proposal, for an extension to the existing dwelling, would not constitute inappropriate development on garden land, in accordance with the approach set out within the Council’s adopted Supplementary Planning Document entitled *‘Garden Land Development’* (2013). The inspectorate concluded that the proposal, whilst in the form of an extension to the existing dwelling, would in fact comprise a new dwelling, on land which clearly forms part of the garden to No 2. Furthermore, it would not fall within any of the exceptions set out within the Council’s adopted Supplementary Planning Document entitled *‘Garden Land Development’* (2013).

36.4. On topic of character and appearance, the inspectorate observed the additional bulk and siting of the proposed dwelling in relation to the existing well-balanced pair of semi-detached dwellings would undermine the regular pattern and layout of the pair and the surrounding development. The inspectorate concluded that the development would harm the character and appearance of the host dwelling and the area in conflict with Policies D3.D (1) and (11) of the *‘London Plan’* (2021), Policy CS1.B of the *‘Harrow Core Strategy’* (2012), Policy DM1 part A and B (a), (b) and (c) of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013).

36.5. The inspectorate concluded that whilst there would be benefits in terms of the provision of an additional housing unit, this would be limited when weighed in the planning balance given the scale of the proposal for a single unit. Set against this the inspectorate found that the proposal would give rise to conflict with the Council’s spatial strategy and would harm the character and appearance of the area and, therefore, the proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal ought to be dismissed.

37. 2 Snaresbrook Drive, Stanmore, Harrow, HA7 4QW (Appeal Ref: [3323239](#))

- 37.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the erection of a *“part single and part double storey side and rear extension, part single storey front extension, rear dormer and three roof lights to facilitate a loft conversion.”*
- 37.2. The main issues were the effect on the character and appearance of the area; and the effect on the amenities of neighbouring residents.
- 37.3. On topic of character and appearance, the inspectorate observed that the ground floor elements of the new works to the side and rear would not be evident in public views. The two-storey element, although extending beyond the rear building line would similarly be largely screened. The proposed large rear dormer window, this would be set comfortably within the much larger area of roof and would also not be evident from public vantage points. Given the design of the elements of the proposal that would be visible within the public domain, including the new front entrance area, the proposal would be in keeping with the design of the existing house and would not have an adverse impact on the character or appearance of the area. The design of the elements to the side and rear would be of a suitable design standard, in keeping with the existing property detailing.
- 37.4. The inspectorate further observed that the works overall would result in a significant increase in the size of this dwelling, however, it sits within a relatively large plot and would retain a significant garden area. It would not appear cramped or overdeveloped and not in conflict with the design requirements of Policy D3 of the *‘London Plan’* (2021), Policy CS 1(B) of the *‘Harrow Core Strategy’* (2012) or Policy DM 1(A & B) of the London Borough of Harrow Council’s *‘Development Management Policies’* (2013) or guidance contained within the Council’s adopted Supplementary Planning Documents entitled *‘Residential Design Guide’* (2010).
- 37.5. On topic of living conditions of neighbouring occupiers, the inspectorate observed concerns raised by representatives and concluded that for both the two-storey and single storey side extensions, the additions would not result in unacceptable harm to the living conditions of those residents with regard to outlook, loss of light or a significant loss of privacy. Concluding that, although the works would result in a larger house with improved accommodation, it would not result in harm to the character or appearance of the dwelling or the wider area or result in unacceptable harm to the living conditions of neighbouring residents. Therefore, subject to conditions, the appeal ought to be allowed.

38. Flat 1, 54 Wellesley Road, Harrow, HA1 1QN (Appeal Ref: [3312580](#))

- 38.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *“construction of a pavement crossover opposite the property.”*
- 38.2. The main issues were the effect the effect of the proposed development on highway safety, with particular regard to the free flow and safety of pedestrians and cyclists; whether the proposed development would provide adequate refuse storage; and the effect of the proposed development on the character and appearance of the area.
- 38.3. On topic of highway safety, the inspectorate observed the proposed plans indicating that there is insufficient depth within the front garden to accommodate a parked vehicle without resulting in the

potential encroachment into the public highway, the maximum depth of this area is only some 3.8m, which is significantly less than the 4.8m requirement for a standard parking space. As such, due to its insufficient depth, it is likely that any parked car would overhang onto the adjacent footpath causing an obstruction to pedestrians and cyclists. This would be detrimental to the free flow and safety of pedestrians and cyclists using the footpath. The inspectorate concluded that the proposed development would have a harmful effect on highway safety, with particular regard to the free flow and safety of pedestrians and cyclists, contrary to Policies T3 and T6.1 of the *'London Plan'* (2021) and Policy DM42 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and guidance contained within the Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010).

- 38.4. On topic of refuse storage, the inspectorate observed the proposal would involve refuse and recycling bins being located on the forecourt of the property, enclosed by a brick-built enclosure. The submitted plans indicated storage would be provided for 4 bins, however, the plans approved for application P/726/06/DFU, require the site to be able to accommodate seven refuse bins in the front garden with accessibility to the street to allow for servicing. The inspectorate had not been provided with any information to demonstrate where the additional bins would be stored. Furthermore, the application does not demonstrate how the bins would be made accessible for scheduled collection. As such, the inspectorate concluded the proposed development would fail to provide adequate refuse storage to serve the existing flats. contrary to Policies D3 and D6 of the *'London Plan'* (2021) and Policies DM1 and DM45 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and guidance contained within the Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010).
- 38.5. On topic of character and appearance, the inspectorate concluded that, when viewed as a whole, the proposed development would result in a cluttered appearance that would not be screened with any soft landscaping. This would be detrimental to the character and appearance of the host property and surrounding area contrary to Policy D3 of the *'London Plan'* (2021) and Policies DM1 and DM45 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and guidance contained within the Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010).
- 38.6. For the reasons mentioned above, especially since there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan, the appeal ought to be dismissed.

39. 320 Station Road, Harrow, HA1 2DX (Appeal Ref: [3310290](#))

- 39.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *"Change of use from a sui generis betting shop to a sui generis adult gaming centre."*
- 39.2. The main issues was whether the 24-hour operation of an AGC at the appeal site would harm the residential amenities of neighbouring occupiers and secondly, whether the appeal proposal has been designed to deter crime.
- 39.3. As a preliminary matter, the inspectorate drew attention to the appellant providing an internal layout plan of the premises with this appeal. The absence of such a plan formed the basis of one of the

Council's reasons for refusing the planning application. Comments on this layout from the Metropolitan Police (the Police) Secured by Design consultee were also provided with the appeal. The Council had the opportunity to comment on this evidence as part of the appeal process and it is clear from the Council's evidence that the layout of the premises would have been required by a condition had the proposal been acceptable to them in all other regards. For these reasons, the additional information has been accepted and considered in the determination of this appeal.

- 39.4. On the topic of noise and disturbance, the inspectorate highlighted that there was no noise report with the planning application or indication of how the management and mitigation of any noise would be carried out. This information had been provided with the appeal and includes a Noise Impact Assessment. The Council made no representations on this during the appeal process. The inspectorate concluded that, although there are residential properties nearby, based on the technical and expert evidence provided she conclude that the proposal would not give rise to an unacceptable level of noise and disturbance. Furthermore, residents living in a commercial area might reasonably expect to experience some noise and disturbance because of evening and night-time activities. Therefore, the proposal, on this particular topic adheres with Policies DM1.C, D3 (parts 7 and 9) and D13 (parts C and D) of the '*London Plan*' (2021) and guidance contained within the '*National Planning Policy Framework*' (2021).
- 39.5. On topic of crime and safety, the inspectorate commented that a layout plan was submitted to the Design Out Crime Officer of the Police and was revised to take account of comments made. The appeal evidence indicates that the Police are satisfied that the proposal could achieve 'Secured By Design' compliance. There are no reasons to reach a different conclusion. The inspectorate concluded that the proposal adheres with Policy D11.C of the '*London Plan*' (2021) and Policy DM1.A of the London Borough of Harrow Council's '*Development Management Policies*' (2013).
- 39.6. For the reasons set out above and having regard to all other matters raised, the inspectorate concluded that the appeal ought to be allowed.

40. Weald Cottage, Clamp Hill, Stanmore, Harrow, HA7 3JL (Appeal Ref: [3313159](#))

- 40.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the "*demolition of garage and porch. Ground floor rear and side extension and relocated entrance. First floor side and rear extension. New roof with accommodation.*"
- 40.2. The main issues were whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; the effect on the openness of the Green Belt; the effect of the proposed development upon the character and appearance of the host dwelling and locality; and whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- 40.3. The inspectorate made note that, the Framework does not provide a definition of disproportionate additions. Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
- 40.4. On topic of inappropriate development, the inspectorate observed the existing floor area and volume calculations of 160m² and 489.4m³, which includes a previous extension, would increase to provide a

floor area of 232m² and a volume of 682m³. Taken together, these increases would amount to a substantial addition to the property, and one which the inspectorate found to be disproportionate over and above the size of the original building. For these reasons, the inspectorate concluded that the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful and contrary to Policy G2 of the 'London Plan' (2021), Policy CS1 of the 'Harrow Core Strategy' (2012) and Policy DM16 of the London Borough of Harrow Council's 'Development Management Policies' (2013).

- 40.5. On topic of openness, the inspectorate observed the proposed first floor accommodation infilling space above the existing single storey garage to the side of the dwelling. In combination with this, the overall width of the roof parallel to the road would continue over the first floor creating a wider building. The introduction of frontage gables would also occupy slightly more space to the front of the site. Their effect would be exacerbated by the appeal dwelling being in an elevated position above the road and situated between two lower dwellings. The additional bulk from these would thereby erode the openness of the site and its contribution to that of the wider Green Belt. Concluding that, the harm identified above therefore weighs heavily against the proposal.
- 40.6. On character and appearance, the inspectorate observed that the alterations would not be subservient additions, as they would completely reorder the dwelling. In conclusion, the proposal would be contrary to Policies D3 of the 'London Plan' (2021), Policy CS1 of the 'Harrow Core Strategy' (2012), Policy DM1 of the London Borough of Harrow Council's 'Development Management Policies' (2013) and guidance contained within the Council's adopted Supplementary Planning Documents entitled 'Residential Design Guide' (2010).
- 40.7. The inspectorate concluded that they had taken into account all of the other matters raised by the appellant. These include the comprehensive statements, area and volume analysis, planning history, pre-application and discussion between the Council and the appellant. Collectively these and no other factor are of such significance to outweigh the harm.
- 40.8. For the reasons given above, the inspectorate concluded that the appeal ought to be dismissed.

41. Garages rear of 24 St. Pauls Avenue, Harrow, HA3 9PS (Appeal Ref: [3311455](#))

- 41.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the "demolition of 6 No. existing garages and the construction of 2 No. semi-detached dwellinghouses. The proposed dwellings are both two-storey family units with accommodation in the roof space, associated off street parking and private amenity space".
- 41.2. The main issues was the effect of the proposed development on the character and appearance of the area.
- 41.3. On the topic of character and appearance, the inspectorate observed that, the evidence before them indicates that the height of the scheme would be approximately the same as the adjacent property, No.2, and would therefore not be out of keeping with the general height of the roofs and would not appear bulky or discordant. The design and scale of the dormer is subservient to the scale of each of the dwellings and would not occupy a significant proportion of the roof. The design relates well to the design of the first-floor windows and overall, the dormers would not appear incongruous. The inspectorate concluded that, there would be no conflict with Policy D3 (specifically subsections D 1) D

11)) of the *'London Plan'* (2021), or with that of Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013).

- 41.4. The inspectorate commented that, although there would be minor conflict with the advice set out within the Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010, in that the proposed gable end roof form would not reflect the positive characteristic of the area provided by the existing hipped roofs, taking into account the presence of other pitched roofs I have found that there would not be conflict with the overall aims of the SPD to improve the design of new development. Furthermore, the proposed development would accord with the general aims for good design and high-quality places as set out in Paragraphs 126 and 130 of the *'National Planning Policy Framework'* (2023).
- 41.5. The inspectorate took note of the concerns raised by the local representations, however, there was no compelling evidence before the inspectorate that would lead them to come to a different conclusion to the Council on those matters. The inspectorate considered this appeal proposal on its own merits and concluded that it would not cause harm for the reasons set out within their decision.
- 41.6. For the reasons set out within the inspectorate's decision, conclusion was drawn that planning permission should be granted subject to the conditions, the appeal allowed.

42. 136 Carlyon Avenue, Harrow, HA2 8SW (Appeal Ref: [3318210](#))

- 42.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the erection of a *"new attached 3 Bedroom Dwelling."*
- 42.2. The main issues were whether the site is a suitable location for the proposed development, having particular regard to the Council's spatial strategy; the effect of the proposed development on the character and appearance of the area; whether the proposed development would provide adequate living conditions for future occupiers, with particular regard to outlook and provision of external amenity space; and the effect of the proposed development on the living conditions of the occupiers of No. 136 Carlyon Avenue, with particular regard to outlook.
- 42.3. On topic of suitable location for housing, the inspectorate observed the site as being situated within a prominent corner plot, with its garden to the side highly visible from Carlyon Avenue and the surrounding area. As such, the garden is not viewed as a gap within a built-up street frontage, but instead is a deliberate form of design to create a more open sense of character to development on a corner plot. The inspectorate concluded, that development of a new dwelling in this location, would be harmful to this character and create an unduly cramped form of development that is harmful to the host property and its setting within the surrounding area contrary to Policies CS1A and CS1B of the *'Harrow Core Strategy'* (2012) and the Council's adopted Supplementary Planning Document entitled *'Garden Land Development'* (2013).
- 42.4. On topic of character and appearance, the inspectorate observed the erection of a substantial side extension would result in a cramped and incongruous appearance in the street scene which would fail to reflect the surrounding built character. Concluding that he/she found the proposed extension which would be highly prominent would be detrimental to the character and appearance of both the host property and surrounding area and in conflict with Policies D3 of the *'London Plan'* (2021), Policy CS1.B

of the '*Harrow Core Strategy*' (2012) and Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013).

- 42.5. On topic of living conditions (future occupiers), the inspectorate observed the proposal would largely replicate the orientation of the neighbouring property. The proposed dwelling would provide open plan living and dining space to the ground floor, which would overlook a small private garden area. The inspectorate concluded that due to the layout of the primary living spaces, together with the limited number of window openings and their proximity to boundary treatments and existing buildings, the development would fail to provide an adequate level of outlook for future occupiers or provision of external amenity space, contrary to Policies D3 and D6 of the '*London Plan*' (2021), Policy CS1.B of the '*Harrow Core Strategy*' (2012) and Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013) and guidance contained within the Council's adopted Supplementary Planning Documents entitled '*Residential Design Guide*' (2010).
- 42.6. On topic of living conditions (existing occupiers), the inspectorate observed that due to the depth of the two-storey extension, it would be visible from the rear bedroom of the existing property and would have an impact on the amenity of that room in terms of creating a sense of enclosure which would reduce the level of outlook from the window. Due to the siting of the extension, to the south of this window, there would be a reduction in sunlight and daylight. The inspectorate concluded that the proposed development would cause harm to the living conditions of the existing occupiers of No.136, by virtue of loss of outlook and the scheme in conflict with Policy D3 of the '*London Plan*' (2021), Policy CS1B of the '*Harrow Core Strategy*' (2012) and Policies DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013). Therefore, the appeal ought to be dismissed.

43. Kajaine House, 57-67 High Street, Edgware, HA8 7DD (Appeal Ref: [3311739](#))

- 43.1. The Appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant approval required under Article 3(1) and Class AA of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of "*erection of 2 additional storeys accommodating 12 dwellings.*"
- 43.2. As a preliminary matter, the inspectorate highlighted that they had taken the description of development from the application form, although different to that on the decision notice, no confirmation that a change was agreed has been provided.
- 43.3. The main issue is whether prior approval should be granted having regard to the effect of the proposal on the external appearance of the building.
- 43.4. The inspectorate observed and commented that the proposed design of the additional storeys would match the proportions of the floors beneath it. It would also follow the same building line and similar ratios of window to cladding with horizontal banding that breaks up the mass of the building. The external materials would be contemporary, and the tired appearance of the building would be improved. The proposed development would therefore respect the design and architectural features of the elevations and would adequately respect the character and form of the appeal building when viewed in isolation.

- 43.5. On the topic of conservation of the setting of the listed building, the inspectorate acknowledged that the proposed additional storeys would result in the building's height increasing even further above the buildings to each side and to the rear of the site. Affirming that it would somewhat loom over the much lower adjacent listed building and appear incongruous in the immediate street scene and would not respond positively to the context and appearance of the immediately surrounding area.
- 43.6. Although the inspectorate considered the resultant harm to be 'less than substantial' in this instance, since the development would make use of brownfield land in a highly sustainable location and the provision of 12 new homes would be a public benefit in light of the Government's objective of significantly boosting the supply of homes and meeting local needs. The inspectorate did draw on the harm to the designated heritage assets' significance which he confirmed as carrying considerable importance and weight, in taking a balanced judgement drawing the conclusion that the effect on the appearance of the area and the setting of the listed building is such that the benefits would not be sufficient to outweigh the harm that would be caused.
- 43.7. The inspectorate concluded that the proposal would harm the external appearance of the building contrary to the requirements of paragraph AA.2(1)(e) of Article 3(1), Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, the appeal ought to be dismissed.
- 44. 20 Bentley Priory Mansion House Drive, Stanmore, HA7 3FB (Appeal A Ref: [3295874](#)) (Appeal B Ref: [3296578](#))**
- 44.1. 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 the *"installation, enlargement and replacement of two rooflights in rear roof slope; external alterations to roof without complying with a condition attached to application permission Ref P/2386/20, dated 14 July 2020."* The condition in dispute was No. 5 which in part stated that *"Notwithstanding the plans hereby approved, all the rooflights hereby approved shall be flush with the roofline and retained as such."*
- 44.2. Appeal B was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *"replacement of four rooflights in eastern side roof slope without complying with a condition attached to application P/4177/20, dated 15 April 2021."* The condition in dispute was No. 4 which in part stated that *"Notwithstanding the plans hereby approved, all the rooflights hereby approved shall be flush with the roofline and retained as such."*
- 44.3. As a preliminary matter, the appeals are linked as both appeals relate to similar proposals at the same site and the same issues apply to each appeal. Therefore, in order to reduce repetition and for the avoidance of doubt, the inspectorate had dealt with them together within a single decision.
- 44.4. The main issues in both appeals are whether the conditions are necessary to preserve the Grade II* listed building, Central Entrance Block to Bentley Priory or any features of special interest that it possesses, and the effect of removing the condition on the Grade II registered Historic Park and Garden, Bentley Priory.
- 44.5. The inspectorate observed that, when viewing the building from further afield within the gardens, the presence of rooflights is visible to the south, east and west elevations. From this perspective the

projection of any rooflights is however not clearly decipherable. Furthermore, the inspectorate made note that he was aware that the Council approved the installation of rooflights to the western elevation with no requirement for them to be flush fitting.

- 44.6. The inspectorate also commented that, overall, she found the effect of the rooflights in situ upon the special architectural interest of the listed building to be neutral and is preserved in the interest of the Act. Furthermore, it does not lead to an adverse effect upon views from the heritage asset that is the Registered Park and Garden or harm its significance. It therefore complies with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 197 of the '*National Planning Policy Framework*' (2023).
- 44.7. The inspectorate concluded that, the removal of the conditions meets the broad design and local character and historic environment protection aspirations of Policies CS1.B, CS1.D of the '*Harrow Core Strategy*' (2012) and Policies DM1 and DM7 of the London Borough of Harrow Council's '*Development Management Policies*' (2013). In addition, it meets the requirements of the National Planning Policy Framework in its objectives to achieve well designed places and to conserve and enhance the historic environment, as well as the same broad heritage safeguarding, and design and character aims of Policies D3.D and HC1 of the '*London Plan*' (2021).
- 44.8. The inspectorate took note the concerns raised by interested parties regarding the increase in height of the building, which the Council found to be acceptable. The inspectorate considered the revised plans, concluding that she had no reason to take a different stance to the Council. Commenting further that the revised scheme would suitably respect the design achievements of the scheme and the makeup of the surrounding built environment. For the above reasons and taking into account all other matters raised, the appeal ought to be allowed.
- 44.9. For the above-mentioned reasons, Appeal A is allowed, and planning permission is granted (subject to conditions). Appeal B is allowed, and planning permission is granted (subject to conditions). As a further point on procedural and preliminary matters, the inspectorate expressed that since there is no opportunity to procedurally vary a Listed Building Consent application through the planning process. It requires a new submission to the Council in its own right. Therefore, in the interest of completeness, the appellant should seek to submit to the Council a new Listed Building Consent application.

45. 87 Burnt Oak Broadway, Harrow, Edgware, HA8 5EP (Appeal Ref: [3309490](#))

- 45.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a failure to give notice within the prescribed period of a decision on an application for planning permission under Section 73 of the Town and Country Planning Act 1990 for the "*change of use of ground floor from Pawnbrokers (Class E) to Adult Gaming Centre (Sui Generis) without complying with a condition attached to planning permission Ref P/3884/20, dated 25 March 2021.*"
- 45.2. The condition in dispute is No 3 which state that: "*The use hereby permitted shall not open to customers outside of the following times: - 09.00 to 00.00 hours, Monday to Sunday*". The reason given for the condition is: "*To ensure the proper functioning of the commercial properties within the locality and protect the residential amenities of adjoining occupiers.*"

- 45.3. The main issues was whether condition 3 was reasonable or necessary when regard is paid to the effect of its variation on the living conditions of both: the occupants of the property above with respect to noise and disturbance; and the residents and users of the area with respect to crime and disorder.
- 45.4. The appellant in their statement of case, emphasised that the area already has existing 24-hour businesses operating. Notwithstanding this, the inspectorate commented that circumstances of these in terms of noise levels and relationship to the above residential property are different to the appeal site and are not comparable. In any event they have considered the appeal site on its own planning merits.
- 45.5. On the topic of noise impact, the inspectorate concluded that, the Noise Assessment does not sufficiently demonstrate that the proposal's noise levels would not adversely affect the living condition of the occupants of the above property and therefore conflicts with guidance contained under Paragraph 130(f) of the '*National Planning Policy Framework*' (2023).
- 45.6. On the topic crime and safety, the inspectorate carefully considered the consultation concerns raised by both the Metropolitan Police's North-West Design Out Crime Office and Licencing Enforcement Officer's. However, concluded that there was no conclusive evidence that the appeal site is, or the proposal would cause or contribute to crime and disorder in the area had been presented. The inspectorate concluded that the proposal, on such matter, accords with guidance contained under Paragraphs 92(b) and 130(f) of the '*National Planning Policy Framework*' (2023).
- 45.7. For the above-mentioned reasons, the inspectorate concluded that the appeal ought to be dismissed.
- 46. 2A Dale Avenue, Harrow, Edgware, HA8 6AE (Appeal Ref: [3313135](#))**
- 46.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the "*construction of a pair of 2-storey three-bedroom semidetached house including demolition of existing 2-bedroom detached house.*"
- 46.2. The main issues were whether the site is appropriate for the proposed development, having particular regard to the Council's spatial strategy for growth. The effect of the proposed development on the character and appearance of the area.
- 46.3. On subject matter of suitable location for housing, the inspectorate observed the proposed development to create a footprint of 138.6m², which would exceed the total potential footprint and would fail to accord with the Council's adopted Supplementary Planning Document entitled '*Garden Land Development*' (2013). The inspectorate concluded that, the development proposes additional housing on garden land which additionally fails to accord with Policies CS1.A and CS1.B of the '*Harrow Core Strategy*' (2012) and guidance contained within the '*National Planning Policy Framework*' (2023).
- 46.4. On subject matter of character and appearance, the inspectorate observed that, the neighbouring building lines are a relevant consideration insofar as they retain a spacious separation between the 2-storey form of the dwellings and the Camrose Avenue footway. The proposed development would extend the 2-storey built form on the site significantly closer to the side boundary. This would greatly reduce the gap between the built form and the Camrose Avenue footway and diminish the contribution made by the site to the spacious character of the area.

- 46.5. The inspectorate went on to further observe that, the development would feature a gable end roof, the massing and appearance of which would appear uncharacteristic in the context of the surroundings. The proposed feature bay windows, illustrates the ground and first-floor windows on the front elevation to be offset from one another, which falls at odds against that of the existing dwelling and those of neighbouring dwellings which are generally aligned at ground and first-floor level.
- 46.6. The inspectorate concluded that, by virtue of its prominent siting, excessive width, inappropriate design, proximity to site boundaries and lack of adequate setting space the proposed development would result in harm to the character and appearance of the area contrary to Policies D1 and D3(11) of the 'London Plan' (2021), Policy CS1.B of the '*Harrow Core Strategy*' (2012) and Policy DM1 of the London Borough of Harrow Council's '*Development Management Policies*' (2013).
- 46.7. The inspectorate acknowledged the case put before them by the appellant, whereby they set out several examples of how the current proposal seeks to address issues raised in previous decisions, with particular reference to the inclusion of an additional setback on the first-floor side elevation facing Camrose Avenue. Notwithstanding this, the inspectorate commented that the current proposal has a very different appearance and overall scale to those considered under previous planning applications and appeals. As such, the matters raised in the previous decisions relating to character and appearance hold limited weight in my determination of the appeal.
- 46.8. The inspectorate concluded that for the above-mentioned reasons the appeal ought to be dismissed.
- 47. 34 Clitheroe Avenue, Harrow, HA2 9UX (Appeal Ref: [3301845](#))**
- 47.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the "*conversion of existing dwelling into two flats (2 x 1 bed) and; associated external alterations including the creation of a terrace at first floor level.*"
- 47.2. The main issue was the effect of the proposed development on the character and appearance of the existing building and the surrounding area; the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties having regard to overlooking of rear gardens; and whether the proposed development would provide suitable living conditions for future occupiers having regard to noise.
- 47.3. As a preliminary matter, the inspectorate had drawn attention to the description of development taken from the planning application form which differed from that on the Decision Notice in such that it omitted the word 'including' and lists the proposed development specifically as 'the creation of terrace to first floor rear elevation; separate amenity space; bin and cycle stores'. The inspectorate pointed out that it was evident from the refusal reasons that the Council had considered the effects of all parts of the proposal, despite the Council's description of development, since public consultation as part of the planning application was carried out based on the submitted plans which fully captured the proposals. As such no injustice would occur should I consider the appeal proposals as shown on the submitted plans.
- 47.4. The inspectorate drew attention to the appellants contention that as part of refusal reason 2, which in their opinion were lawful by virtue of a certificate of lawful development (proposed) Ref P/2334/17

granted on July 10th, 2017. Notwithstanding this, the inspectorate pointed out that they had not been provided with details of the specific development to which the above relates, nor whether the development that has taken place would have been lawful. Therefore, the inspectorate found no reason the extensions and alterations shown on the proposed plans and elevations should not be included in the proposal as a matter of procedure.

- 47.5. The inspectorate, during their site inspection, evidenced some minor differences between the submitted plans and the part of the development that has already been implemented. This included the fenestration in the single storey side and rear extensions. The inspectorate commented that she could not be certain that other elements of the scheme that have been built reflect the submitted plans and so, for the avoidance of doubt, she shall determine the appeal on the basis of the submitted plans.
- 47.6. On the topic of character and appearance, the inspectorate drew attention to the dormer, observing that it would extend up to the shared side boundary of the roof slope with the adjoining property. Consequently, it would occupy nearly all the rear roof slope. Due to the scale and design, the dormer would be an unduly dominant and incongruous feature. Accordingly, it would conflict with Policy D3 (D(1) and D(11)) 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 Harrow Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010), as well as guidance contained within the *'National Planning Policy Framework'* (2023), in particular Chapter 12, which seeks well-designed places. Therefore, this element of the appeal ought to be dismissed.
- 47.7. On the topic of living conditions for neighbouring occupants, the inspectorate concluded the terrace would be likely to be used for extended periods, particularly as it would be the only outdoor space serving the upper flat and would therefore have a tendency to give a much more pronounced feeling of unwelcome and intrusive surveillance of the adjoining neighbouring rear gardens. Consequently, this conflicted with Policy D3 (D(7)) of the *'London Plan'* (2021), Policy DM1 of the London Borough of Harrow Council's *'Development Management Policies'* (2013) and Harrow Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010), as well as guidance contained within paragraph 130 of the *'National Planning Policy Framework'* (2023). Therefore, this element of the appeal ought to be dismissed.
- 47.8. On the topic of living conditions of future occupiers, the inspectorate concluded that, in the absence of any evidence to demonstrate that the development would include appropriate measures to prevent the transfer of noise between the ground floor and upper floor flats, the proposal would fail to provide suitable living conditions for future occupiers having regard to noise. Therefore, the proposal would fail to accord with Policy D6.A of the *'London Plan'* (2021) and Policy DM1.D(g) of the London Borough of Harrow Council's *'Development Management Policies'* (2013). It would also fail to reflect advice within Harrow Council's adopted Supplementary Planning Documents entitled *'Residential Design Guide'* (2010), as well as guidance contained within Chapter 12 of the *'National Planning Policy Framework'* (2023).
- 47.9. The inspectorate notes the appellant's comments about the advice that was received from the planning case officer before the submission of the planning application, as well as the lack of engagement from the Council during the planning process. However, she concluded that she had determined this appeal on its individual planning merits and none of those other matters outweigh or overcome my conclusion on the main issue. Therefore, the appeal ought to be dismissed.

48. Land at 51 Howberry Road, Edgware, HA8 6SX (Appeal Ref: [3316573](#))

- 48.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the erection of a *“single storey front infill extension, garage conversion and changes to front elevation, single storey rear extension and raised patio”*.
- 48.2. As a procedural matter, the inspectorate highlighted that, since the development which is the subject of this appeal has already been carried out, in large part, the application is to be treated as one made under Section 73A of the Town and Country Planning Act 1990.
- 48.3. The main issue in this case is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or intrusion on privacy).
- 48.4. The inspectorate observed that, the extension as built is both deeper and higher on the boundary with number 49 than the approved scheme. Concluding that the increase in height was modest, the increase in depth was very small. It appeared that the original design had failed to take account of the actual ground level and that there was a discrepancy in the setting out of the building, the inspectorate accepted that the increase in size has been inadvertent.
- 48.5. The inspectorate observed the raised patio as an opportunity for overlooking the neighbour’s garden and was intrusive and unacceptable in its present form for that reason. Nevertheless, highlighted that this issue could be overcome by the imposition of conditions requiring improved boundary treatment combined with additional screening and planting. The extension and raised patio would be set well apart from the side boundary and these elements have no undue impact on the amenities that the neighbours could reasonably expect to enjoy.
- 48.6. The inspectorate concluded that, the project would not be in conflict with the Development Plan, in principle, and that the objections to the scheme which have been raised can be overcome by the imposition of suitable conditions. Therefore, the appeal ought to be allowed.

49. St Dominic’s Sixth Form College, Mount Park Avenue, Harrow, HA1 3HX (Appeal Ref: [3315104](#))

- 49.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *“demolition/removal from site of large timber maintenance chalet, steel shipping containers and steel spiral steps; installation of three number pre-fabricated teaching rooms and timber linking structure.”*
- 49.2. As a preliminary matter, the inspectorate highlighted that, during their site inspection they had identified that the timber maintenance chalet and steel shipping containers had already been removed from the site. As they are included within the description of development and on the plans, the inspectorate therefore considered the appeal on a part retrospective basis.
- 49.3. The main issues were the effect of the proposed development on the living conditions of the occupiers of the neighbouring property ‘Duneaves’, with specific regard to their outlook from ground and first floor windows; the effect of the proposed development on the character and appearance of the area, including on the settings of listed buildings, and on the preservation or enhancement of the Sudbury

Hill Conservation Area (SHCA) and the Mount Park Estate Conservation Area (MPECA); and if any harm is found, whether any benefits of the proposed development would outweigh that harm.

- 49.4. On the topic of living conditions, the inspectorate observed that, one of the pods would bring built form close to the Duneaves windows, stressing that private views are not in themselves protected. However, pointed out that as views from the ground floor window views are already partially blocked by the fence, their remaining open sky views are important. Concluding that, the proposed development would result in moderate harm to the living conditions of the occupants of Duneaves, with specific regard to their outlook from ground and first floor windows, contrary to Policy DM1 of the 'Harrow Council Development Management Policies' (2013), Policy D3 of the 'London Plan' (2021), Policy CS1(F) of the 'Harrow Core Strategy' (2012), and paragraph 130 of the 'National Planning Policy Framework' (2023).
- 49.5. On the topic of character and design, the inspectorate observed that, the proposal would reduce some openness as well as a small area of lawn, but not to the extent as to unduly affect the overall character of the site. Furthermore, green sedum roofs are proposed, alongside additional mitigatory planting. The inspectorate further commented that, the pods would be a unique and relatively vibrant design with an ever-changing colour scheme, but in muted tones which would reflect the landscape and vegetated character of the site and the SHCA. The inspectorate concluded that, the proposal would comply with the Framework Sections 12 and 16 regarding the need to achieve well-designed places and conserve and enhance the historic environment, and the guidance in the Sudbury Hill Management Study (2008) and the Mount Park Management Study (2008).
- 49.6. On planning balance, the inspectorate concluded that although they found the proposal to cause moderate harm to the living conditions of occupiers of neighbouring properties with relation to outlook, moderate weight was awarded to this there would be no harm to the character and appearance of the building and the wider area, or any harm to the significance of the CA and locally listed buildings as designated heritage assets. The inspectorate highlighted the significant benefit of the scheme with relation to providing additional and flexible teaching space for the College, alongside other minor benefits, concluding that they found the material considerations weigh in its favour to the extent to outweigh any conflict and the harm. Therefore, the appeal ought to be allowed.

50. The Garden House, 51 Dennis Lane, Harrow, Stanmore, HA7 4JU (Appeal Ref: [3307375](#))

- 50.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the "*demolition of the existing detached dwelling, garage and three outbuildings and the erection of a replacement dwelling: consisting of a detached part two storey house with single storey side wings, integral double garage, rear single storey canopy and associated site works.*"
- 50.2. The main issues were whether the proposed development would comprise inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan, including its effect on openness; If it would comprise inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations that would amount to the very special circumstances required to justify the proposal.

- 50.3. On topic of inappropriate development, the inspectorate observed the dispute between the parties regarding the Council's calculation of the floorspace and footprint of the existing house, which show the floorspace would measure only approximately 10.3m² more than the footprint. The inspectorate acknowledged that there appeared some variation in the figures on which both main parties have based their assessment, although these differences are not significant. The figures submitted by the appellant set out that the proposed development would, when including the existing outbuildings, amount to a 24% increase to the existing floorspace, a 9.7% increase to the existing footprint, and a 35.9% increase to the existing volume.
- 50.4. The inspectorate concluded that the proposed development would result in a significant volume increase that would reduce the spatial openness of the Green Belt. That the development comprises inappropriate development in the Green Belt under the terms of the Framework and would conflict with Policy G2 of the 'London Plan' (2021), Policy CS1.F of the 'Harrow Core Strategy' (2012) and Policy DM16 of the London Borough of Harrow Council's 'Development Management Policies' (2013).
- 50.5. The inspectorate also highlighted that, the appeal site benefits from recent consents for prior approval for a single storey rear extension and a certificate of lawfulness for a single storey side extension and a rear dormer window. That if both consented developments were undertaken, the increased volume resulting from the proposed development would reduce. Therefore, the appeal ought to be dismissed.

51. 23 Bell Close, Harrow, Pinner, HA5 2AQ (Appeal Ref: [3312932](#))

- 51.1. The appeal was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the "*conversion of dwellinghouse into two flats; conversion of garage into habitable room with alterations to front elevation; single storey rear in-fill extension; two storey part rear extension.*"
- 51.2. The main issue was the effect of the proposed alterations to the front elevation on the character and appearance of the area and whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to the vertical stacking of room types, floor to ceiling heights, and privacy and security to the front ground floor windows.
- 51.3. On the topic of character and appearance, the inspectorate observed that there are limited examples of nearby properties with 2 front doors next to each other, however, drew attention to the fact that this would be no different to the existing arrangement. The existing 2-storey side extension was wider than many others in the street and, unlike many neighbouring extensions, sits flush with the original front elevation. As a result, although the proposal would add additional features in the form of doors and windows to the front elevation, these would be appropriately spaced and would not appear unduly cluttered. As such, the inspectorate concluded that the proposal would accord with Policies D3.D(1) and D3.D(11) 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 Harrow Council's adopted Supplementary Planning Documents entitled 'Residential Design Guide' (2010).
- 51.4. The inspectorate made comments on the Council's concerns over the lack of defensible space in front of the ground floor windows serving Flat A, and the effects on occupiers' privacy and security. The inspectorate observed that the frontage of the property is currently hard surfaced and used for parking, the proposal incorporates this provision for the use of that flat's occupiers, this would be and

would be similar to the arrangement currently in place at the host property and several other properties in the street. The inspectorate commented that they had no compelling evidence to demonstrate that the proposed arrangement would fail to follow Secured by Design Principles.

- 51.5. The inspectorate concluded that, the proposed development would provide acceptable living conditions for future occupiers and would accord with Policies D3.D(7) and D6 of the '*London Plan*' (2021), Policy CS1 of the '*Harrow Core Strategy*' (2012), Policies DM1, DM23 and DM26 of the London Borough of Harrow Council's '*Development Management Policies*' (2013) and advice within Harrow Council's adopted Supplementary Planning Documents entitled '*Residential Design Guide*' (2010).
- 51.6. The inspectorate notes the appellant's comments about the advice that was received from the planning case officer before the submission of the planning application, as well as the lack of engagement from the Council during the planning process. However, she concluded that she had determined this appeal on its individual planning merits and none of those other matters outweigh or overcome my conclusion on the main issue. Therefore, the appeal ought to be dismissed.
- 51.7. The inspectorate also notes also note concerns raised by third party representatives relating to increased parking demand. The inspector highlighted that the Council's officer report notes the development would be, on balance, acceptable with regard to parking, and the inspectorate concurred that they had no substantive evidence before them to reach a different conclusion.
- 51.8. The inspectorate concluded that, the proposed development accords with the development plan taken as a whole and the appeal should be allowed subject to conditions.

52. 154 Whitmore Road, Harrow, HA1 4AQ (Appeal Ref: [3295300](#))

- 52.1. The appeal was made under Section 195 of the Town and Country Planning Act 1990 (as amended), against a refusal to grant a certificate of lawful use or development for the "*alterations and extension to roof to form end gable; rear dormer; two rooflights in the front roofslope; two windows in end gable.*"
- 52.2. As a procedural matter, the inspectorate amended the description of the development to remove the reference to the existing roof structure and to more accurately describe the development for which the lawful development certificate sought. The inspectorate had used the description provided by the Council on their reason for refusal which matched the detail of the appeal given by the appellant within the appeal questionnaire. The inspectorate affirmed that such change would not cause any injustice to either party.
- 52.3. The main issues were whether the proposed development would constitute permitted development by virtue of the provisions of Article 3(1) of, and Class B, Part 1, Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
- 52.4. In pursuant to Class B of the GPDO, the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted development subject to certain limitations and conditions. Paragraph B.1 stipulates that development is not permitted by Class B if, amongst other matters, the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres in the case of a semi-detached house.

- 52.5. The inspectorate observed the Council's position, specifically regarding its calculations to incorporate additional roofspace which would amount to 52.05 cubic metres in volume. If this figure is correct, the appeal scheme would exceed the 50 cubic metre threshold set out within paragraph B.1(d) and an express grant of planning permission would be required for the development.
- 52.6. The inspectorate observed the appellants position, specifically regarding its calculations that the Council had incorrectly calculated the volume by utilising inaccurate figures and by including areas within their calculation that should have been excluded. The appellant contesting that the proposed roof and dormer amounts to 49.60 cubic metres, which would be within the permitted development limitation.
- 52.7. The inspectorate concluded that the appellant's volumetric calculations takes account of the shapes and geometric forms that comprise the roof form including its complex bellcast eaves detail. Its formation included the use of CAD software with the areas being formulated using computer software rather than by calculation. The inspectorate considered this to be a more accurate method of calculating volumetric content in this instance.
- 52.8. The inspectorate further commented that, in calculating the volume of the hip to gable extension, the Council has used the overall height of the roof and the length of the extended ridge. It appeared to the inspectorate that no adjustment had been made to take into account the bellcast detail. The appellant's submitted drawing shows the impact of the bellcast in creating an overestimation of volume.
- 52.9. In conclusion, the inspectorate was not satisfied that the figures derived by the Council were correct, thus exercising the powers transferred to them under section 195(2) of the Act to allow the appeal.
- 53. Power House, 87 West Street, Harrow, HA1 3EL (Appeal A Ref: [3301356](#)) (Appeal B Ref: [3309259](#))**
- 53.1. Appeal A was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *"additional residential unit within the existing roof space and associated bin and bike storage."*
- 53.2. Appeal B was made under Section 78 of the Town and Country Planning Act 1990, against a refusal to grant planning permission for the *"construction of a residential unit within the existing roof space including the cut out of the roof to provide a door and window."*
- 53.3. As a preliminary matter, there are two appeals on this site, the inspectorate commented that although they differ only in the design terms, they have considered each proposal on their individual merits. However, to avoid duplication they have decided to deal with the two schemes together, except where otherwise indicated.
- 53.4. The inspectorate also comments that Council's first refusal reason in appeal B relates to the fact that notice was not correctly served by the appellant on all owners of the land to which the planning application relates, specifically Eastern Power Networks plc (EPN), trading and UK Power Networks. Whilst they own the electricity substation, which the appellant's submissions confirm is excluded from the site, they benefit from an easement access arrangement over the land to access the substation. The inspectorate comments that, Article 13 of the Town and Country Planning (Development Management Procedure)(England) Order 1995 requires notice to be served on an owner or tenant,

and there is nothing to suggest that the person with an easement is an owner under the Town and Country Planning Act 1990. Therefore, the inspectorate was satisfied the planning application was valid and consequently determine the appeal accordingly.

- 53.5. The inspectorate also notes comments from interested parties that the development has commenced and deviates from the details shown on the submitted plans. The inspectorate remarks that 'whether or not development that has taken place accords with these drawings is a matter for the main parties to resolve outside of the appeal process.' Thus for the avoidance of doubt, the appeal shall be determined on the basis of the proposals before him/her.
- 53.6. The main issues for both appeals are the effect of the proposed development on the character and appearance of the host building and the surrounding area, including whether the proposed development would preserve or enhance the character and appearance of the Harrow on the Hill Conservation Area (the CA) and whether the development would preserve the setting of the Old Pye House and Former St Mary's Mission Hall as Grade II listed buildings. In respect of the appeal B proposal, there is an additional main issue which is whether the proposed development would provide acceptable living conditions for future occupiers, having regard to outlook.
- 53.7. On the topic of character and appearance, the inspectorate observed that the proposed flat roof dormer in appeal A would be lower in height than the ridgeline of the existing building and would be set in from the side gables of the roof. Due to its size and siting it would represent a small proportion of the roof slope in which it would sit and would be a visually subordinate addition to the roof of the building. Whilst it would project beyond the plane of the roof, the dormer would not be an unduly dominant or anomalous feature. The recessed nature of the new openings in appeal B would not alter the profile of the roof plane when viewed from the side elevation. The height of the glazed openings would be such that the void created would be only marginally above the eaves level of the roof. In addition, it would be largely screened by the lower pitched roof immediately in front of it.
- 53.8. The inspectorate concluded that, in both appeals A and B would not harm the character and appearance of the host building or the surrounding area and would preserve or enhance the character or appearance of the CA. In this regard, they would accord with Policies D3(D(1) and D(11)) and HC1 of the 'London Plan' (2021), Policy CS1 (B) of the 'Harrow Core Strategy' (2012) and Policies DM1 and DM7 of the London Borough of Harrow Council's 'Development Management Policies' (2013) together with advice contained within Harrow Council's adopted Supplementary Planning Documents entitled 'Residential Design Guide' (2010).
- 53.9. On the topic of setting of a Listed Building, the inspectorate observed the immediate setting of the Listed Building's as being defined by the existing built form comprising a mixture of architectural styles, ages and materials and varying roof forms. Irrespective the aforementioned, concluded that, due to the scale and design of both the dormer and the recessed space, in combination with the new rooflight and terrace, together with their siting behind the parapet and remaining pitched roof, neither appeal A or B would change the appreciation of the listed buildings or harm their setting in accordance with Policy HC1 of the 'London Plan' (2021), Policy CS1 B of the 'Harrow Core Strategy' (2012) and the aims of Policy DM7 of the London Borough of Harrow Council's 'Development Management Policies' (2013).
- 53.10. On the topic of living conditions for future occupiers, specifically for appeal B, the inspectorate observed that, notwithstanding the restricted view from the openings to the sides, the glazed door would nevertheless allow an outlook through the gap in the parapet over the terrace and the lower

part of the remaining pitched roof which it faces. Which, due to the size and open plan nature of the internal space, the number and type of openings overall would provide satisfactory living conditions for occupants of the property in terms of outlook. In conclusion, the proposed development under appeal B would provide acceptable living conditions for future occupiers, having regard to outlook in accordance with Policies D3.D(7) and D6 of the '*London Plan*' (2021), Policy CS1 of the '*Harrow Core Strategy*' (2012) and Policies DM1 and DM27 of the London Borough of Harrow Council's '*Development Management Policies*' (2013).

53.11. The inspectorate notes comments that aspects of the proposal may obstruct of a legal right of way, affirming that this is a civil matter that falls outside of the planning regime.

53.12. For the above-mentioned reasons, Appeal A is allowed, and planning permission is granted (subject to conditions). Appeal B is allowed, and planning permission is granted (subject to conditions).