



Appeal Decision

Site visit made on 26 September 2016

by Peter D. Biggers BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 October 2016

Appeal Ref: APP/M5450/W/16/3149944

Open space adjacent to 42 Beatty Road, Stanmore, Harrow HA7 4EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kevin D'Austin against the decision of the London Borough of Harrow Council.
 - The application Ref P/0519/16 dated 3 February 2016 was refused by notice dated 30 March 2016.
 - The development proposed is new dwelling on land adjacent to 42 Beatty Road Stanmore HA7 4EU.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site visit in connection with this appeal had been arranged as an accompanied site visit. However for reasons beyond my control I was delayed getting to the site and arrived after the Council representative and appellant had departed although the appellant was able to return. I considered that, subject to being able to access the garden to No 42 with the occupier's permission, I could complete the visit on an unaccompanied basis. This approach was agreed with the appellant and the occupier of No 42 in person and with the Council officer by phone. The appellant then departed and I completed the visit on an unaccompanied basis. I am satisfied that I was able to properly assess all aspects of the proposal.

Main issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of Beatty Road and surrounding area
 - the living conditions of present and future occupants of No 42 in terms of light and outlook.
 - flood risk and
 - parking within the area and highway safety.

Reasons.

4. The appeal site is located in the south eastern corner of the central square forming Beatty Road behind and on the south side of No 42 fronting onto the public footpath linking Beatty Road and Marsh Lane. The status of the land is the subject of some dispute by the parties but, notwithstanding that it is registered under a
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separate title, because it is open to No 42 and separated from the footpath by a substantial fence I take the site to be part of the garden to No 42.

5. The Council has an adopted spatial strategy in the *Harrow Core Strategy* (HCS) set out in policy CS1 of concentrating development in the Harrow and Wealdstone Intensification Area and on strategic previously developed sites and can demonstrate a 5 year supply of housing land. To restrict the dispersal of development to other areas through unmanaged incremental housing growth policy CS1 seeks to resist the development of housing on garden land. The policy is not inconsistent with the Framework which allows authorities to resist inappropriate development of garden land. The Council has prepared the *Garden Land Development Supplementary Planning Document* (SPD) to provide further guidance on the matter which confirms the in principle presumption against the development of garden land.

Character and Appearance

6. Beatty Road is typically comprised of 2 storey, semi-detached dwellings in brick and render although there is some variation in the south west corner where there is some flatted accommodation set back from the frontage. The character of the area has an open spacious feel.
7. I have been referred to two 3D perspectives by the appellant to show that little of the proposed dwelling would be visible viewed from the central greenspace north of the site. However these views are selective. There is a clear open view towards the site along the whole south side of Beatty Road in which the juxtaposition of the single storey dwelling with the two storey dwellings around it would look incongruous in the street scene. Moreover there would be a general loss of openness in this corner of Beatty Road as a result of the dwelling, to the detriment of the open spacious character of the area.
8. It has been put to me that, as part of the curtilage to No 42, a significant scale of development could be constructed on the appeal site under permitted development rights. However a free standing building to the same height and scale as the proposed dwelling would not be achieved within Classes A or E of Schedule 2 Part 1 of the General Permitted Development Order. The proposal would have a greater impact on general openness within the area than would be the case with any permitted development. Moreover such development would not deliver what the appellant seeks and therefore I do not consider the comparison to be relevant or a justification to allow the new dwelling.
9. For the reasons above, the proposed development would damage the character and appearance of Beatty Road contrary to *Harrow Development Management Policies* (HDMP) policy DM 1 which amongst other things seeks to restrict development which is detrimental to local character and appearance.

Living Conditions

10. The proposed bungalow would sit on the south side of the hard paved courtyard area to the rear of No 42. The new plot boundary is proposed to follow the existing southern edge of the block paved area. The bungalow would be sited only one metre from that boundary and would extend about 10.3 metres east from the original rear elevation of No 42.
11. Although the proposed dwelling would be a single storey design with a hipped roof to limit the mass of the roof it would nevertheless be 5.2 metres at its highest point and approximately 2.6 metres to the eaves. The dwelling would fill the space

between the original rear elevation of No 42 and the freestanding outbuilding on the east side of the house and would be an overbearing presence on the conservatory to No 42 and much of the remaining garden area completely removing the open outlook for the occupiers of the house. Moreover being located on the south side it would have a considerable impact on sunlight to the property particularly in the winter when the sun is lower in the sky to the south.

12. The appellant has indicated that the dwelling could be moved further away from No 42 to reduce the impact but this is not what has been applied for and I must determine the appeal on the basis of the proposal that is before me.
13. Accordingly the proposal would have a significant adverse effect on the living conditions for the occupants of No 42 in terms of light and outlook contrary to policy 7.6B of the London Plan (LP) and HDMP policy DM1 parts B, C and D both of which seek to protect the amenity of neighbouring occupants in residential areas.

Flood Risk

14. The appeal site is reportedly located within an area at frequent risk of surface water flooding. In these circumstances the Framework requires the sequential test to be carried out to demonstrate that there is no other site at less risk of flooding that could be developed and if that is the case that the development also passes the exception test. If the tests are passed a site-specific flood risk assessment must be carried out to demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere. Neither the tests nor a site-specific flood risk assessment have been carried out for this site and therefore the proposal would conflict with the Framework and HDMP policy DM9 which seeks to manage flood risk. It states that development proposals that fail to mitigate flood risk and which would increase the risk of flooding will be refused.
15. It has been put to me by the appellant that if the principle of the development is agreed a flood risk assessment could be provided later. However the application before me is for full planning permission and establishing the acceptability of the proposal in respect of flood risk is essential before planning permission could be granted.

Parking and Highway Safety

16. I acknowledge that the proposed dwelling would not have any off-street parking space but the same is true for a significant proportion of the properties in Beatty Road particularly those located in the corners of the square. In these locations the properties depend on on-street parking within the wider sections of road in the corners of the square. At the time of my visit (mid-afternoon) there was space for an additional 3-4 cars in the corner parking closest to the appeal site. I accept that the demand for parking may be higher overnight and at weekends but there were not significant signs of parking stress for example wear and tear of grass areas. The availability of parking in the wider corner areas of the square means that parking can be accommodated without significant impact on the free flow of traffic around the square of Beatty Road. Moreover the appeal site would be well connected to public transport being only a short walk via the footpath to bus stops in Marsh Lane and within walking or cycling distance of Stanmore Station. The proposal includes provision of an on-site cycle store.
17. HDMP Policy DM42 seeks parking provision in line with the *London Plan* but sets out criteria in part B where development is not compliant that would not preclude development in this case. I acknowledge that without provision of a dedicated parking space for the plot the dwelling cannot be considered a fully accessible

dwelling but, as it is agreed that in all other respects it meets accessibility requirements, I am not persuaded that this would prevent the dwelling being a useful addition to housing supply in an accessible location.

18. For the above reasons the development would be unlikely to create significant on street parking problems, prejudice highway safety or diminish the convenience of pedestrians or cyclists to the extent that it would conflict with policy DM42 and warrant dismissal of the appeal on these grounds.

Other Matters

19. It has been put to me that the proposal would contribute to an unsafe and unsatisfactory living environment. I acknowledge that the property would be set back but, subject to a lower boundary treatment along the footpath, which could be conditioned, the property frontage would still be visible from Beatty Road and the rear of the property overlooked from first floor windows to the properties in Marsh Lane. The footpath is wide and lit by street lights and by increasing 'eyes on the street' the development would improve natural surveillance of the footpath. I am not therefore persuaded that there would be an increased risk of crime or fear of crime as a result of the development. It would not therefore be in conflict with LP policy 7.3B or HDMP policy DM2.

Conclusion

20. The principle of the development is contrary to the spatial strategy of the HCS and although the SPD acknowledges that exceptionally material considerations may justify a departure from policy CS1 no such specific material consideration is before me.
21. Notwithstanding my findings in respect of parking and highway safety and security issues, these do not outweigh the significant adverse impact of the proposal in respect of living conditions for the occupier of No 42, the potential flood risk and the adverse impact on character and appearance. As such and for the reasons given above the appeal should be dismissed.

P. D. Biggers

INSPECTOR