

Appeal Decision

Site visit made on 10 January 2017

by **David Troy BSc (Hons) MA MRTPI**

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

Decision date: 20th January 2017

Appeal Ref: APP/M5450/D/16/3159900

47 Wychwood Avenue, Edgware HA8 6TQ

- 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 Kalpesh Varsani against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3501/16, dated 18 July 2016, was refused by notice dated 28 September 2016.
 - The development proposed is a single storey garden office outbuilding in rear garden.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Kalpesh Varsani against Council of the London Borough of Harrow. This application is the subject of a separate Decision.

Main Issues

3. The main issues are (i) the effect of the development on the character and appearance of the area and (ii) the living conditions of the occupiers of Nos. 43 and 45 Wychwood Avenue with particular regard to outlook.

Reasons

4. The appeal site forms part of the garden area at the rear of a two storey semi-detached dwelling located in a mature well-established residential area typically characterised by detached and semi-detached properties set in relatively spacious plots. To the south, east and west are the garden areas and the outbuildings associated with the adjacent properties. Where outbuildings and other structures exist behind the residential properties, these are very low, small in scale, clearly subsidiary and have little impact upon the sense of space and openness in the area. This gives the area a strong unifying character and appearance, which is further enhanced by the presence of mature landscaping and established trees including a number of trees subject to Tree Preservation Orders (TPOs) immediately to the south-west of the site.
 5. The proposal would involve the construction of a new outbuilding comprising a home office and toilet at the end of the gently sloping triangular shaped garden about 1m away from the common boundary with the adjacent properties. The
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proposed triangular shaped timber clad building would measure about 10m (width) by 10m (length) with a flat roof with a maximum height of about 3m covered in a sedum green roof system.

6. The Council's Supplementary Planning Guidance Document: Residential Design Guide 2010 (SPD) states at paragraph 6.78 that in order to reduce the impact on neighbouring gardens, outbuildings should normally be located away from the boundaries of the site by at least 2m. Any structures that are sited within 2m of a shared boundary should be no higher than 2.5m.
7. The proposed development, although set back from the boundary, would be situated in the characteristic open gap between the properties. Such positioning would compromise the sense of space and openness in the area. These shortcomings would be exacerbated by the proposal's position, which would be visible from a number of the surrounding properties. In doing so the proposed development would not amount to a subservient form of development in this location. As such, I consider the development, by virtue of its scale, height and siting would result in an incongruous and out-of-keeping addition that would adversely harm the character and appearance of the area.
8. I have considered the appellant's comments that the design of the building has been carefully considered using the natural slope of the site in order to minimise any impacts on adjacent properties and the TPO trees. Whilst the proposed design using high quality sustainable materials would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
9. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The development conflicts with Policy 7.6B of the London Plan 2016 (LP), Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (DMP) and the SPD. These policies and guidance seek, amongst other things, to ensure that new development demonstrates a high quality design that respects and responds positively to the local character and distinctiveness of the area.

Living conditions of the occupiers of the neighbouring properties

10. The proposed outbuilding would be set back from the common boundary with Nos. 43 and 45 Wychwood Avenue (Nos. 43 and 45) and be separated from the adjacent properties by a fence of about 2m high. The semi-detached properties at Nos. 43 and 45, elevated above the appeal site, currently have uninterrupted views over the open garden areas at the rear of the properties.
11. I recognise that the boundary fencing, trees and the lowering of the ground level on the site would provide some visual containment and reduce the impact of the proposal to some extent. The degree of visibility will vary according to the seasons. Given the overall height and the design of the proposal and the separation distance between the properties, I consider the proposal would impinge on the views from the rooms and garden at the rear of Nos. 43 and 45. It would introduce a dominant and overbearing structure in close proximity to the common boundary that would restrict the outlook of No. 43 and those at No. 45 to a more limited extent.
12. Consequently, I conclude that the development would result in harm to the living conditions of the occupiers of Nos. 43 and 45 with particular regard to

outlook. The development conflicts with Policy 7.6B of the LP, Policy DM1 of the DMP and the SPD. These policies and guidance seek, amongst other things, to ensure that new development does not cause unacceptable harm to the amenities of existing and neighbouring occupiers.

Other matters

13. I also note the appellant's comments about the reason for refusal based on the SPD and the Council's approach to applications for larger outbuildings. However, there is no evidence before me that the Council has been unreasonable in applying this guidance to assess objectively the impact of the proposed development. The appellant also points out that a larger outbuilding could be erected elsewhere on the site under General Permitted Development in this instance. However, this is not a matter for my consideration under this appeal. I therefore accord these matters limited weight.
14. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council together with the other factors regarding the reasoning for the Council's controls over outbuildings and the requirement to meet the office space needs for its residents and businesses in the area. However, these are a material consideration to which I can attach limited weight in making this decision.
15. I have noted the support for the proposal from local residents on the basis of the proposed height and design of the building, tree protection and the lack of impact on amenity. An arboricultural method statement has been submitted that shows how the trees will be protected throughout the development and could be protected by appropriate conditions. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR