
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: 31 January 2017

Appeal Ref: APP/M5450/W/16/3155856

Land to the rear of No 59 Havelock Road, Harrow HA3 5SB

- 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 Oxycliff Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0450/16, dated 1 February 2016, was refused by notice dated 12 April 2016.
 - The development proposed is the provision of two detached dwellinghouses to comply with Part M4 (3) of the Building Regulations 2015 Category 3 wheelchair user dwellings with parking and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of the neighbouring properties with particular regard to light, outlook, overlooking and private amenity space.

Reasons

Character and appearance of the area

3. The appeal site comprise an irregular parcel of land situated at the rear of No. 59 Havelock Road (No. 59), a traditional two storey terraced property on an end plot with vehicular access at the side of the property. The appeal site is currently in commercial use and at the time of my site visit I observed was being used for a skip storage facility and yard.
 4. Havelock Road is a mature well-established residential street located in a predominantly residential area of high density terraced properties, set behind front gardens/driveways. The properties are relatively evenly spaced, of comparable scale and form, with uniform separation distances between them. To the north, east and west of the appeal site are the garden areas and the outbuildings associated with the adjacent residential properties. Where outbuildings and other structures exist at the rear of the properties, these are very low, clearly subsidiary, and have little impact upon the sense of separation. The open expansive grounds of the appeal site at the rear of No. 59 add to the open character and appearance of the area.
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5. The proposal would involve the construction of two detached chalet bungalows designed for wheelchair accessibility with associated parking, access and garden areas. The proposed dwellings would measure about 10.7m (length) by 9m (width) with gabled pitched roofs with a ridge height of about 7.1m. The gable end of the dwellings would set back perpendicular to the frontage development on Havelock Road.
6. Whilst visually the design of the proposed dwellings would be acceptable, the dwellings would nevertheless be substantial and the overall footprint and plot size of the dwellings would be very different to those typically found in the area. The result would be a development that would appear visually cramped, would compromise the sense of space and openness between dwellings and interrupt the established pattern of development in the area.
7. Moreover, the siting itself, with the dwellings situated behind the existing dwellings at the front would create a backland form of development. This would introduce an uncharacteristic layout into the street scene. Paragraph 60 of the National Planning Policy Framework (the Framework) states that it is proper to promote or reinforce local distinctiveness. In this case, the siting and layout of the proposed development would not amount to a subservient form of development in this backland location and would fail to promote or reinforce the distinctive characteristics of this established residential area.
8. The consequential harm would not in my view be sufficiently resolved by the limited effect of the one and half single storey form of the proposed dwellings on the street scene. In any case, the site is viewed from the rear of a large number of surrounding properties. As such, I consider the development would result in an incongruous and out-of-keeping addition that would adversely harm the character and appearance of the area.
9. The proposal would also incorporate a small section of the rear garden of No. 59, which I observed had been incorporated by close boarded fence within the appeal site. This was previously used as part of the parking and amenity space for Flat No. 2 at the upper floor of No. 59 agreed under the planning permission to convert No. 59 to two self-contained flats¹. The Council's reasons for refusal indicate that the proposed encroachment on a private residential garden would be contrary to the relevant national and local policies. I have noted the Council has cited a number of appeal decisions involving development on garden areas in support of their case. However, in this case, the predominant use of the appeal site is commercial. Given the limited nature of the garden development involved and the intended use of this area within appeal scheme, I do not consider that this would cause unacceptable harm to the character and as such warrant dismissal on these grounds in this instance.
10. I have considered the appellant's statement that the site layout and the position of the building has been carefully considered in order to maximise the distances from the adjacent properties and minimise any impacts on adjacent dwellings and the area. Whilst these features together with landscaping scheme and boundary treatment would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
11. I have noted the other developments in the area drawn to my attention by the appellant. The examples provided showing the established relationship

¹ LBH/16036

between the end of terrace properties on Wellington Road and the adjacent properties on Cecil Road and Wolseley Road have different development characteristics to the appeal scheme and took place some time ago in a different policy context. I therefore accord them limited weight as precedents.

12. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The development conflicts with Policies 7.4B and 7.6B of the London Plan 2016 (LP), Policy CS1.B of the Harrow Core Strategy 2012 (CS), Policy AAP4 of the Harrow and Wealdstone Action Area Plan 2013 (AAP), Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (DMP) and the Council's Supplementary Planning Document: Residential Design Guide 2010 (SPD). These policies and guidelines, amongst other things, seek to ensure that new development demonstrates a high quality design that respects and responds positively to the local character and distinctiveness of the area. In addition, it would not accord with the Framework that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

Living conditions of the occupiers of the neighbouring properties

13. The northern elevation of the proposed dwelling on plot 2 would be located about 2.3m from the common rear boundaries with Nos. 63, 65 and 67 Wellington Road. The front elevation of plot 2 would be sited about 1.5m from the boundary with No. 69 Wellington Road and the rear elevation of unit 1 would be sited about 1m to 5.5m from the common boundaries with Nos. 57 and 59 Havelock Road. Bedroom windows would be located at first floor level on the west and east elevations of the proposed dwellings. The proposal would be separated from neighbouring properties by a close boarded fence.
14. I note the appellant considers that the proposal would have a comparable relationship to the existing dwellings at both ends of Wellington Road and the adjacent end of terrace properties. However, given the modest size of the rear garden at Nos. 63, 65 and 67 Wellington Road, the orientation of the buildings and the height and siting of the proposed dwelling on plot 2, I consider that the proposed development would dominate the views from the rooms and gardens at rear of the neighbouring properties. It would introduce a dominant and enclosing structure in close proximity to the common boundary that would severely restrict the outlook and to a more limited extent, the available light reaching the rear gardens of Nos. 63, 65 and 67 Wellington Road.
15. Whilst the boundary treatment would reduce the impact of the development to some degree, given the siting and design of the proposal and the separation distance between the properties, I consider the proposal would give rise to an unacceptable level of overlooking to the rear gardens of No. 69 Wellington Road and Nos. 57 and 59 Havelock Road.
16. In relation to the private amenity space for first floor flat at No.59. The appellant states that an area about 10sqm of private amenity space is provided for this flat and would be increased to about 13sqm as a result of the proposal to relocate one of the car parking spaces for No. 59 adjacent to its curtilage and within the appeal site. Paragraph 4.59 of the Council's SPD advises that the amount of private amenity space to be provided for flats will be informed by Mayor of London's standards. Standard 26 of the Mayor of London's

Housing Supplementary Planning Guidance (SPG) 2016 requires a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings. In light of advice set out in the SPG, I consider that the private amenity space provided for first floor flat at No. 59 would be sufficient.

17. Consequently, I conclude that the proposal would result in harm to the living conditions of the occupiers of the neighbouring properties with particular regard to light, outlook and overlooking. The development conflicts with Policy 7.6B of the LP, Policy AAP4 of the AAP, 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

18. I note the appellant's comments regarding the fallback position and the continued use of the existing lawful use for skip storage and hire yard on the site and the adverse impact associated with current use and the stacking of skips including noise, disturbance and visual impact. Whilst I recognise that the removal of this non-conforming commercial use is the preferred course of action, this does not set a precedent for such an inappropriate residential development in this location. I therefore accord these matters limited weight.
19. I note that the appellant considers that the proposal would constitute a sustainable form of development. Sustainable development is identified as having social, economic and environmental roles in the Framework. It is accepted that the proposal would be well connected to existing services and facilities. It would provide some social and economic benefits through contributing to local services, employment, removing a non-conforming commercial use, the supply of housing and the provision of wheelchair accessible accommodation for the elderly and disabled.
20. However, while I note the appellant's view that the residential redevelopment as compared to the current use or the extant car storage use would amount to environmental benefits, I have found above that taken overall the development would harm the area's character and appearance and the living conditions of the occupiers of the neighbouring properties. This harm would conflict with the environmental dimension of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits. The proposal would not therefore amount to sustainable development in the terms of the Framework.
21. I have noted the objections from local residents to the proposal. However, in light of my finding of harm to the character and appearance of the area and the living conditions of the occupiers of the neighbouring properties, there is no necessity for me to consider these matters further.

Conclusion

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

David Troy

INSPECTOR