The Planning Inspectorate

Appeal Decision

Site visit made on 30 January 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/M5450/W/16/3161002
77 Hillview Road, Pinner HA5 4PB

- 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 AG Nam Properties Ltd against the decision of the Council of the London Borough of Harrow.
- The application Ref P/3331/16, dated 8 July 2016, was refused by notice dated 3 October 2016.
- The development proposed is redevelopment to provide a pair of semi-detached two storey dwellings with habitable roofspace; new vehicular access parking bin/cycle storage landscaping and boundary treatments.

Decision

1. The appeal is allowed and planning permission is granted for redevelopment to provide a pair of semi-detached two storey dwellings with habitable roofspace; new vehicular access parking bin/cycle storage landscaping and boundary treatments at 77 Hillview Road, Pinner HA5 4PB in accordance with the terms of the application, P/3331/16, dated 8 July 2016 subject to the conditions set out in the schedule to this decision notice.

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The area within with the appeal site is located has a mix of detached and semi-detached properties on a fairly uniform building line. Many of the dwellings have been extended. This together with the variety of types of properties means the character and appearance of the area is quite mixed. Spacing between the houses is varied. Some have been extended directly up to the boundary with the neighbouring property, whereas others have a small gap. Where there are gaps or single storey side extensions/garages views are available through to tree tops and rear gardens.

4. The existing property is a detached house set in a large plot in between semi-detached properties. The proposal to demolish it and erect a pair of semi-detached houses would result in two plots narrower than those in the surrounding area. Nevertheless, a gap would be maintained to either side of the new dwellings, which would be similar to and in some cases greater than others on the street. As a result views to rear gardens would still be available and the

proposal would not create a terracing effect. Furthermore, according to figures supplied by the appellant although the width of each plot would be narrower than others in the street it would not be by a materially significant amount. The figures have not been disputed by the Council. Moreover, although the width of each house would be narrower than others on the street, the building has been designed as one entity and would be read as such. As such its width would not be unique or visually unacceptable.

5. The two houses would take their design cue from the neighbouring properties to the north east, each having a gable front with a ground floor bay window. I also saw that the mix of render and brick, together with the entrance doors to the side of the front elevation, velux windows and the roof articulation would not be unusual in the area. Furthermore, although the properties would contain three storeys of accommodation, the eaves line and height of the houses would be broadly consistent with the houses either side and within the row of dwellings. As a result, while the 3 storeys of accommodation would significantly increase the amount of floorspace provided on the site compared to the existing detached house, and according to residents, would be 84% larger than the average floor space of Nos 71, 73, 75 and 79, it would do so in a way that would not be out of scale, dominant or obtrusive within the street scene.

6. The existing rear garden would be subdivided to provide private space for future occupiers. I saw that it is well stocked with trees and shrubs and has an apple tree broadly in the centre of the garden. This is a small tree which would not be viewed from the public realm. I have not been advised by the Council that the tree is worthy of protection and therefore I see no constraint to the subdivision of the garden to the rear.

7. The front garden, is prominent within the street scene, but the lawned area has already been subdivided by a path. However, I consider that any boundary treatment should be carefully controlled through the imposition of condition to prevent high fencing which would be particularly harmful to the open, verdant character of the street.

8. I have carefully considered local resident's concerns that the current proposal would set a precedent for a similar development on the street, particularly given the row of large detached houses opposite the appeal site. I have not though been made aware of any specific proposals that have been forthcoming. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

9. For the reasons above I conclude that the proposed houses would not be harmful to the character and appearance of the area. There would therefore be no conflict with policy DM1 of the Harrow Development Management Policies 2013, Policy CS1 of the Harrow Core Strategy 2012, Policies 7.4 and 7.6 of the London Plan 2016 (LP) and the Supplementary Planning Document Residential Design Guide 2010 (the SPD). These require, amongst other things that development is a high standard of design that responds to local context.

Other matters

10. I had the opportunity to view the appeal site from both the garden and kitchen of 79 Hillview Road. The garden area adjacent to the rear elevation of No 79 is

paved and has tables and chairs for sitting out. The kitchen window is in the single storey element of No 79 closest to the boundary with the appeal site.

11. The proposed building would extend a small way beyond the rear elevation of No 79. However the part of the building closest to the boundary would be single storey with the two storey element being set further back. As a result of the limited height and extent of the proposal beyond the rear elevation of No 79 together with the distance from the boundary it would not be significantly overbearing to either the kitchen window or the garden space. Moreover the Council confirm that the proposal would comply with guidance in the SPD as it would not dissect the 45 degree lines taken from the closest rear corners of No 79 or No 75. As a result it would not have an unacceptable impact on outlook, or light.

12. Residents have stated that they consider the plans to be misleading but offer no substantive evidence to demonstrate why. The plans have been prepared by a chartered architect who is a member of professional institutes. Furthermore, the architect has detailed the method used to ascertain measurements. I have no reason to doubt therefore that the plans are correct. I also note that the Council raise no issue in this respect.

13. I note the concerns of residents regarding the potential increase in cars that will be caused through the provision of two 4 bedroom houses and the consequent impact on an already congested area. I saw that most houses had capacity for off street parking, nevertheless some limited on street parking was occurring at the time of my site visit. I appreciate that this was only a snap shot in time and the demand for parking may be higher in the evenings and at weekends. Nevertheless I have been supplied with no substantive evidence regarding high levels of on street parking in the area or ongoing problems of highway capacity. Furthermore each house would have two off street parking spaces which would be in accordance with the standards in the LP therefore making adequate provision for parking. I am not persuaded therefore that parking and traffic movements associated with the addition of two houses would cause harm to highway safety.

14. The existing house is not protected by any designation to prevent its demolition. Furthermore, restrictive covenants, being private property matters, are outside the planning considerations with which I am concerned in this appeal.

15. Residents also refer me to para 9.1 of section 9 of the "Harrow Development Plan" regarding the protection of open space, heritage and leafy suburbs within Pinner and Hatch End. However, I have already concluded that the proposal would not be harmful to the character and appearance of the area. It follows therefore that I consider it would comply with the requirement of this paragraph.

16. The residents also refer to the document Supplementary Planning Document Garden Land Development 2013 (SPDGLD) which provides guidance on new development on garden land. The document though specifically excludes the redevelopment of an existing dwelling or group of dwellings to provide multiple dwellings or flats on the same building footprint, plus any appropriate enlargement (extension that accords with the SPD), from its definition of garden land development. The Council confirm in its committee report that although the footprint of the proposal is larger than the existing house on site the existing house could be extended with deep/larger extensions under Permitted Development and therefore complies with the requirements in the SPDGLD.

The contents of the SPDGLD have therefore not been determinative in this appeal.

Conditions

17. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. In the interests of clarity it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

18. Conditions relating to materials, boundary treatment and refuse collection are necessary to protect the character and appearance of the area. The Council has suggested that a condition be imposed regarding the submission of a landscaping scheme. However, this would be a small domestic scheme where landscaping should be left to the discretion of the owners.

19. I have carefully considered the Council's submitted condition regarding the removal of permitted development rights for the proposed houses. Paragraph 017 of the Planning Practice Guidance states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I have seen no convincing reason for this being an exceptional circumstance for removing permitted development rights and therefore I have not imposed this condition.

20. Following consultation with both parties I have imposed a condition relating to the layout and retention of the car parking spaces in the interests of highway safety.

21. Finally, I have imposed a condition requiring that the development is constructed to the specifications of Part M, M4 (2), category 2: Accessible and Adaptable Dwellings' of the Building Regulations 2013. This is to ensure that the proposal meets the needs of a range of different users and meets the requirements of Policy 3.8 of the LP which states that 90% of new housing meets Building Regulation requirement M4 (2) Accessible and Adaptable Dwellings.

Conclusion

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

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: C243-01 Rev A, C243-04 Rev A, C243-05 Rev A, C243-06 Rev A, C243-09 Rev A, C243-11 Rev A, C243-12 Rev A, C243-13 Rev A, C243-15 Rev A, C243-16 Rev A, C243-17 Rev A, C243-33 Rev A, C243-34 Rev A.

3) Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence beyond damp proof course level until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:
   a: the dwellinghouses
   b: ground surfacing
   The development shall be carried out in accordance with the approved details which shall thereafter be retained.

4) The development hereby permitted shall not commence beyond damp proof course level until details of the boundary treatment between the front gardens of the houses has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to the approved dwelling being first occupied and retained thereafter.

5) Other than on collection days, the refuse/waste bins shall at all times be stored in the approved refuse/waste storage area on plan ref C243-12 A. The refuse/waste storage area shall be retained and kept available for its intended purpose at all times thereafter.

6) All off street parking shall be laid out and made available for use in accordance with plan ref C243-12 A prior to the first occupation of the approved houses and they shall be retained and kept available for their intended purpose at all times thereafter.

7) The development hereby permitted shall be constructed to the specifications of 'Part M, M4 (2), category 2: Accessible and Adaptable Dwellings' of the Buildings Regulations 2015 and thereafter retained in that form.