

Appeal Decision

Site visit made on 21 March 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 7 April 2017

Appeal Ref: APP/M5450/W/16/3161504 93 Spencer Road, Harrow HA3 7AW

- 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 Bernard Missell against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2283/16, dated 11 May 2016, was refused by notice dated 27 July 2016.
 - The development proposed is a first floor side to rear extension; single and two storey rear extension to create additional flat; bin store; external alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would accord with the Council's strategy for growth;
 - The effect of the proposal on the character and appearance of the surrounding area; and,
 - The effect of the proposal on the living conditions of neighbours residing at 95 Spencer Road, with particular reference to daylight, sunlight and outlook.

Procedural Matters

3. In the interests of accuracy, the appellant's name and the description of development used above have been taken from the appeal form.

Reasons

Growth Strategy

4. Policy CS1.A of the Core Strategy (CS) indicates that new development will be focussed on the Harrow and Wealdstone Intensification Area, town centres and strategic previously developed sites. CS Policy CS1.B outlines that garden development will be resisted and the Council's Garden Land Supplementary Planning Document (SPD) states that the presumption against garden land development exists to ensure that housing growth is delivered in accordance with the spatial strategy. However, the appellant considers that the policy
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approach to garden development in the CS is at odds with the National Planning Policy Framework (the Framework).

5. The Framework excludes land in built up areas such as private residential gardens from the definition of previously developed land. Paragraph 53 of the Framework states that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens where development would cause harm to the local area. In addition, Policy 3.5a of the London Plan (LP) states that Boroughs may introduce a presumption against development on back gardens when justifiable.
6. Consequently, I consider that Policy CS1 and the SPD are consistent with the Framework and therefore attract full weight. My conclusions on this matter are reinforced by those of the Inspector in the previous appeal¹.
7. Based on what I saw during my site visit, the site is in use as a domestic garden area within a residential curtilage. In addition, the proposal does not fall into the SPD exception relating to exceptional gap sites. Furthermore, both the site (including the domestic outbuilding and concrete footprint of the previous garage) and the proposal meet the definition of garden land development as described at SPD paragraph 3.5. I acknowledge that recent changes to national policy have affected the contribution smaller sites can make to affordable housing provision. However, the Council's growth strategy of focussing new development into the locations specified above remains.
8. Consequently, the proposal would be contrary to Policy CS1 and the SPD insofar as they relate to the Council's growth strategy.

Character and appearance

9. No 93 comprises a semi-detached dwelling located at the corner of Spencer Road and The Crossway. The proposal would be located in the rear garden of No 93, including the footprint of a single storey extension and outbuilding adjacent to The Crossway. Dwellings at Spencer Road are predominantly semi-detached, whilst those along The Crossway are mostly terraced. The rear of Nos 91 and 93 Spencer Road create a pleasant spacious character close to the junction with The Crossway. This spacious character provides visual relief from the site's more built up wider surroundings and marks the transition to denser development to the north east.
10. Despite the modern design approach and use of complementary materials, the proposal would result in a harmful loss of spaciousness. I note that the proposal would utilise the existing single storey footprint and follow the building line of frontages along The Crossway. The proposal would also create a more active roadside frontage than presently is the case. However, irrespective of these factors, the increased height, scale and mass of the extension would dominate No 93 and also harm the spacious character of the area. The resultant loss of spaciousness would be particularly noticeable from both Spencer Road and The Crossway owing to the prominent corner location of the site.
11. The Council's Residential Design Guide Supplementary Planning Document (SPD) requires extensions to harmonise with the scale of the original building. The Residential Design SPD also requires side extensions to reflect the

¹ APP/M5450/W/14/2228503

openness of corner plots and advises against first floor rear extensions that result in a considerable increase in bulk and prominence in the street scene. Based on the above reasoning, the proposal would not meet these requirements.

12. Therefore, the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to CS Policy CS1.B, Policy DM1 of the Development Management Policies Local Plan (DMP), LP policies 7.4B and 7.6B, and paragraph 58 of the Framework. Combined, these policies require development to achieve a high standard of design, siting and layout that responds positively to surrounding local character and appearance.

Living conditions

13. During my site visit I saw that the rear garden at No 95 abuts the appeal site. The proposal would result in built form with an increased height and depth running roughly parallel to the adjoining garden area at No 95. However, owing to the intervening distance and the angled layout of the proposal, I am satisfied that adequate levels of daylight, sunlight and outlook would remain for neighbours when spending time in the adjoining garden area.
14. The Council do not refer to a specific section of the Residential Design SPD in relation to this matter. However, I am satisfied that the proposal would meet the SPD's general requirement that development should avoid an unreasonable loss of light and an overbearing visual impact for existing occupants of neighbouring properties.
15. Therefore, the proposal would not have a harmful effect on the living conditions of neighbours at 95 Spencer Road, with reference to daylight, sunlight and outlook. Consequently, the proposal would meet the requirements of DMP Policy DM1, and LP Policy 7.6. Insofar as they relate to this matter, these policies seek to ensure that development does not cause unacceptable harm to the amenity of neighbouring occupiers with reference to light and outlook.

Other matters

16. A number of benefits are associated with the proposal which includes its contribution to housing supply and Community Infrastructure Levy revenue. In addition, the Framework seeks to boost significantly the supply of housing. Furthermore, I have identified no harm to the living conditions of neighbours residing at No 95.
17. However, this neutral factor and the noted benefits would be outweighed by the harm identified in relation to the first two main issues as reasoned above.

Conclusion

18. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR