
Appeal Decision

Site visit made on 3 April 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 28th April 2017

Appeal Ref: APP/M5450/W/16/3166067
Mallory, Priory Drive, Stanmore HA7 3HN

- 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 Michael Smythe against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4492/16, dated 20 September 2016, was refused by notice dated 1 December 2016.
 - The development proposed is demolition of existing dwellinghouse and construction of replacement dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt. The main issues are:
 - a) Whether or not the appeal proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
 - b) The effect of the appeal proposal on the openness of the Green Belt and the character and appearance of the area;
 - c) The effect of the appeal proposal upon the living conditions of future occupants of the proposed development, with particular regard to accessibility;
 - d) If the appeal proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development.

Reasons

Whether or not the appeal proposal is inappropriate development in the Green Belt

3. Paragraph 89 of the National Planning Policy Framework (the Framework) establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions. The replacement of a building is one such exception, provided the new building is in the same use and not materially larger than the one it replaces.
-

4. The appeal property is a dwelling and the proposed development would be in the same use. However, the submitted evidence demonstrates that both the floor area and volume of the replacement dwelling would be significantly greater than the existing dwelling, representing an increase of more than 75% in both respects.
5. With regard to the first main issue I therefore conclude that the appeal proposal would be materially larger than the building it would replace, and would therefore constitute inappropriate development in the Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy 7.16 of the London Plan and Policy DM 16 of the Harrow Development Management Policies Local Plan (DMPLP) are consistent with the Framework in this regard.

Openness of the Green Belt and the character and appearance of the area

6. The Framework sets out at paragraph 79 that openness is an essential characteristic of Green Belts. There would be a slightly greater degree of separation between the proposed replacement dwelling and Grimsdyke Manor to the north-west. However, at first floor level, the proposed dwelling would be nearer to Bentley Hyde to the south-east, thereby reducing the characteristic spacing between these properties. Moreover, whilst the maximum height of the replacement dwelling would not exceed the existing, the overall bulk of the development would be considerably greater as a result of its rectangular plan form, uniform eaves height and substantial crown roof. Therefore, although there are a number of sizeable dwellings in the street, the appeal proposal would be excessively dominant and would result in a modest loss of openness.
7. In respect of the second main issue, I therefore conclude that the appeal proposal would have a harmful effect on the openness of the Green Belt and the character and appearance of the area, contrary to the Green Belt protection aims of the Framework and Policy DM 16 of the DMPLP and to the design aims of Policies 7.4 and 7.6 of the London Plan, Policy CS 1 of the Harrow Core Strategy (the Core Strategy), Policy DM 1 of the DMPLP and the Harrow Residential Design Guide Supplementary Planning Document (RDGSPD).

Living conditions of future occupants

8. Whilst the application plans do not make provision for a bath/shower room and toilet at ground floor level the proposed dwelling would include a lift, thereby enabling access to both the basement and the first floor where such facilities are proposed. Furthermore, given the scale of the overall floor area proposed at ground floor level, a bathroom or shower room and toilet could readily be incorporated through a minor modification to the internal layout. This could be secured by planning condition.
9. In respect of the third main issue, I therefore conclude that the appeal proposal would not have a harmful effect upon the living conditions of future occupants of the proposed development, with particular regard to accessibility. As such, the proposal would accord with the design and accessibility aims of Policies 3.8, 7.1 and 7.2 of the London Plan, Policies DM 1 and DM 2 of the DMPLP and the Harrow Accessible Homes Supplementary Planning Document.

Other considerations

10. There is an extant permission (Ref P/5568/15) for the redevelopment of the site to provide a 2 storey replacement dwelling with habitable roof space and basement. However, I have not been provided with full details of this other scheme and so cannot make a comparison with the appeal proposal. I can therefore give very limited weight to this alleged fallback position.
11. I note that Certificates of Lawful Development (Ref P/2313/16 and P/2314/16) were granted for a proposed single storey outbuilding in the rear garden and a detached triple garage to the side of the appeal property, although I have not been provided with full details of these schemes. The appellant states that the objective of the appeal proposal is to consolidate these schemes into a single development option. However, I note that the proposed development does not include a garage. Moreover, I have no evidence that granting planning permission for the appeal proposal would necessarily prevent these other schemes from being implemented. As such, I give this matter little weight.

Conclusion

12. I have found that the appeal proposal would be inappropriate development in the Green Belt and would therefore by definition be harmful to the Green Belt. It would also result in a modest loss of openness and be harmful to the character and appearance of the area, which would give rise to a moderate degree of harm in addition to that arising from the inappropriate nature of the development. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. Whilst I have found that the appeal proposal would not have a harmful effect upon the living conditions of future occupants of the proposed dwelling, with particular regard to accessibility, this is a neutral factor which does not weigh for or against the proposal. I conclude that the other considerations cited in support of the appeal proposal do not outweigh the totality of harm I have identified in relation to the Green Belt. Consequently, very special circumstances do not exist and the proposed development would be contrary to the Green Belt protection and design aims of the Framework and Policies 7.4, 7.6 and 7.16 of the London Plan, Policy CS1 of the Core Strategy, Policies DM 1 and DM 16 of the DMPLP and the RDGSPD.
13. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR