

Appeal Decision

Site visit made on 12 April 2017

by G Powys Jones MSc FRTPI

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

Decision date: 05 May 2017

Appeal Ref: APP/M5450/D/17/3169431

7 Holland Close, Stanmore, Middlesex, HA7 3AN

- 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 Axel Nares against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4938/16, dated 18 October 2016, was refused by notice dated 16 December 2016.
 - The development is described as demolition of detached garage and erection of outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Notwithstanding the description of the development in the original application form, the garage has been demolished and the outbuilding erected. The appellant, in effect, wishes to retain the outbuilding. I shall proceed on this basis.
3. Arrangements had been made for me to assess the development from the neighbouring property at 9 Holland Close, which I did.

Main issues

4. The main issues are the effects of the development on (a) the character and appearance of its surroundings and (b) on the living conditions of the residents at 9 Holland Close with specific reference to outlook and visual impact.

Reasons

Character and appearance

5. The appeal property is a detached dwelling set within a quiet residential cul-de-sac of good quality. The appellant has built an outbuilding on what he describes as the site of a former garage and outbuilding. The building is described in the application form as being clad in plastic, which is white. It has a ridged roof, a front door and windows; the main windows look out onto the appellant's spacious garden.
 6. Within, the outbuilding is laid out as living accommodation, with a bedroom, bathroom and a lounge. It also has under-floor heating. The appellant describes it as ancillary residential accommodation, used by a carer, who is
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said to look after the main occupants of the house, although no further information has been provided. There is no kitchen. I have no reason to conclude that the accommodation is not currently being used as ancillary accommodation.

7. Paragraph 4.5 of the explanatory text of the Harrow Core Strategy (CS) provides that:

Residential gardens are an integral part of suburban character and are an important component of the quality of life enjoyed by many outer London residents....Private residential gardens are excluded from the Government's definition of previously developed land. In view of their local importance and the propensity for such sites to lead to unmanaged incremental growth, the spatial strategy directs the Borough's development needs to be met on previously developed sites and therefore the Council will resist development on garden land.

8. CS policy CS1B provides that:

Proposals that would harm the character of suburban areas and garden development will be resisted.

9. The building is sited close to the host property, and in terms of its scale is clearly subservient to it. Very little of the building is discernible in the public realm, and in this regard little or no impact has been made on the physical character of the surrounding area, other than on the immediately adjoining neighbour, an aspect dealt with later.
10. Although the appellant places great emphasis on the previously existing buildings, to my mind, the development clearly falls within a garden, and CS policy CS1B is therefore pertinent. I fully understand the Council's concerns as to the possibility that the currently ancillary residential development could evolve as independent residential accommodation. But as matters stand, I do not regard the outbuilding, as falling into the 'unmanaged incremental growth' categorization referred to in paragraph 4.5 of the CS's explanatory text.
11. In this regard, I have also taken into account aspects of the Council's Supplementary Planning Document entitled 'Garden Land Development'. This says that:
- 'The presumption against garden land development therefore exists to ensure that the Borough's housing growth is delivered in accordance with the spatial strategy, set out in the Harrow Core Strategy (2012), by preventing incremental residential growth on (greenfield) garden land leading to a harmful degree of dispersal'.*
12. I therefore conclude, on balance, that this development, being ancillary in nature, has not harmed local suburban character. Accordingly, there is no conflict with those provisions of policies 7.4 & 7.6 of the London Plan (LP), CS policy CS1B and policy DM1 of the Harrow Development Management Local Plan Policies (LPP), the thrust of which, in combination, require new development to be respectful of local character.

Living conditions

13. As the appellant acknowledges, the appeal property's garden is set at a higher level than that of its immediate neighbour No 9. The outbuilding is also sited very close to the side boundary with No 9, and runs along a significant proportion of the boundary's length.

14. A timber fence topped in part by a trellis currently demarcates the side boundary. Despite this, however, a substantial proportion of the outbuilding, including part of the walls, the eaves and the ridged roof, is clearly visible above the fence from the whole of No 9's rear garden and in oblique views from No 9's kitchen and living area.
15. The effect on the enjoyment of No 9's modest and enclosed garden in particular is palpable, in the sense that the outbuilding is perceived as a bulky and dominating structure sited at very close quarters. I consider this to be an un-neighbourly development in view of its harmful impact.
16. The appellant argues that the appellant could raise the height of the fence on his side of the boundary so as to assist in screening the building, but to my mind that would merely accentuate the harm.
17. Moreover, the appellant suggests that the previous garage/outbuildings would have been seen from the adjoining garden. Other than a footprint drawing and an aerial photograph, I have little means of assessing the appellant's claim properly in terms of the now demolished garage's previous impact, and have therefore arrived at my findings principally on the basis of that seen during my visit.
18. I conclude that the erection of the outbuilding has harmed the living conditions of the residents of 9 Holland Close by reason of adverse visual impact caused by its bulkiness, dominating nature and closeness to the common boundary. Accordingly, a conflict arises with those provisions of LP policy 7.6 and LPP policy DM1 that, in combination, require neighbouring amenities to be respected when contemplating new development.

Other matters

19. I share the Council's and appellant's view that the outbuilding's single window facing No 9 does not affect the latter's privacy, given that it is obscurely glazed.
20. The appellant says:

'...development erected under Permitted Development of the same size and height could readily be accommodated on the appeal sites rear garden. The fact it is sited within 2m of the side boundary means it requires permission, but in terms of visible scale and proximity to the main building, this remains both ancillary and close.'
21. Whilst permitted development rights are available to erect outbuildings, they should be used for a purpose incidental to the enjoyment of the dwellinghouse. The terms '*incidental*' and '*ancillary*' have different meanings in this context, and are therefore distinguishable.
22. I note that the appellant did not raise an objection to a proposal by the residents of No 9 to extend their property, and that the outbuilding was erected as the result of mistaken advice provided by a builder in the belief that planning permission was not required. These points, however, attract little weight in my determination.
23. I have taken account of all other matters raised in the representations, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

Overall conclusions

24. I find for the appellant in respect of the first main issue, that of the effect of the development on local character. However, I find against him on the second main issue, the effect of the development on neighbouring living conditions. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR