
Appeal Decision

Site visit made on 13 June 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 25th July 2017

Appeal Ref: APP/M5450/W/17/3170252

16-24 Lowlands Road, Harrow, HA1 3AT

- 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 Pritesh Lad (Geo Construction Ltd) against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3059/16, dated 24 June 2016, was refused by notice dated 8 September 2016.
 - The development proposed is the redevelopment of the site to provide 9 self-contained residential dwellings – 3 no. 1beds, 1 no. 2 bed, 5 no. 3 bed duplexes. Surface level car parking and amenity space to the rear.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted revised plans with the appeal, these show slightly increased ground floor levels, but do not increase the overall height of the building. The proposals are identical in all other respects to the scheme determined by the Council. I am satisfied that that this revision would not be prejudicial to any party and I have determined the appeal on the basis of the revised plans.

Main Issues

3. I consider the main issues to be:
 - The effect of the proposal on the character and appearance of the surrounding area with particular reference to the Roxborough Park Conservation Area and the locally listed buildings at 26-40 Lowlands Road;
 - The effect of the proposal on the living conditions of the occupants of 53 Roxborough Park, with particular reference to privacy; and
 - The effects of the proposed development on drainage and flood risk.

Reasons

4. The development plan includes the Harrow Core Strategy (adopted 2012), Harrow Council Development Management Policies (adopted 2013) and the London Plan 2016. Policy 3.4 of the London Plan seeks to optimise housing

potential, taking into account local context and character and the design principles set out elsewhere in the plan.

5. The appeal site is allocated within the Harrow Site Allocations Plan (2013) for residential development of up to 9 dwellings. The Council confirms that it does not object to the principle of residential development. Planning permission was previously granted in October 2006 for a part single, part two, and part three storey building to provide 9 self-contained residential dwellings with basement car parking. This permission has not been implemented.

Character and Appearance

6. The appeal site is located at the junction of Lowlands Road and Roxborough Park. It has a long frontage facing towards Lowland Road and a short return frontage to Roxborough Park. The Lowlands Road frontage is adjoined by a terrace of locally listed buildings in commercial use, which lie within the Roxborough Park Conservation Area, as does the much of the residential area to the south of the appeal site.
7. The conservation area is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The locally listed buildings are a non-designated heritage asset. Paragraph 135 of the National Planning Policy Framework (The Framework) states that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The conservation area is situated close to the commercial heart of the town centre. It is predominantly residential in nature and includes large areas of public open space which contribute to its suburban character and appearance. The dwellings within the conservation area are typified by detached and semi-detached dwellings with well detailed elevations, including projecting bay windows, gable end features and high quality decorative finishes reminiscent of the Arts and Crafts period.
9. The Arts and Crafts influence is reflected in the locally listed terrace which adjoins the appeal site. This parade is single storey in height and was constructed in the late 19 century. The detailing to the buildings includes stone and terracotta, with a modelled balustrade with decorative pilasters and cornices. Although some of the shop fronts are not particularly sympathetic to the original architecture of the terrace, considered as a whole, it retains its architectural significance and makes an attractive addition to the street scene. The single storey character and high quality decorative design provides the special interest of the parade and distinguishes it from other properties in the locality.
10. The appeal site lies outside of the conservation area, however the boundary of the conservation area has been drawn to exclude specific properties, even where they are adjoined on either side by properties within the conservation area. In the case of Appin Court, a short distance to the south of the appeal site, the front curtilage to the property lies within the conservation area although the dwellings do not. As a consequence of this site specific approach to the conservation area boundary, properties outside of the conservation area,

such as the appeal site, have the potential to significantly impact upon its character and appearance. Whilst some of the buildings which have been excluded from the conservation area are of no particular architectural merit, they generally reflect the height and proportions of nearby buildings and do not detract from the character of the conservation area.

11. The Roxborough Park and The Grove Management Study (2008) sets out a strategy for the preservation or enhancement of the conservation area. Amongst other matters it requires new development to respect the historic character and layout of the area and to ensure that the character of the conservation area is both preserved and enhanced. It also seeks to safeguard significant views (as defined on the map entitled 'Key Views Into, Within and Out of Roxborough Park and the Grove' within the Conservation Area Appraisal).
12. The appellant states that the proposed building would generally sit upon the footprint of the previous buildings on the site. The Council does not object to the siting of the building in so far as it affects the setting of the conservation area. I agree that the footprint of the proposed building would not be inconsistent with the layout of the conservation area.
13. The proposal includes two town houses within a three storey building adjacent to the locally listed terrace. The building would increase in height to four storeys towards the corner with Roxborough Park, where it would reduce to three storeys adjacent to 53 Roxborough Park. Elements of the ground and first floor front elevations would be recessed. The proposed materials would include brick elevations to the ground floor with render above. The remainder would be a different coloured render with metal cladding between the ground floor and first floor windows. The townhouses would include a pitched roof element finished in metal cladding and this would be adjoined by a flat roofed section. A third dwelling, with similar entrance features would also be accessed from Lowlands Road, but would occupy the four storey part of the proposed building. Whilst it would be similar in form to the three storey element, it would be finished with a different colour of render and different pattern of fenestration.
14. I appreciate that it is intended to use high quality materials, and some variation in materials can contribute to visual interest. Whilst a similar design approach has been adopted in respect of both elements of the Lowlands Road elevation, the changes in elevational treatment and facing materials appear to be arbitrary and unrelated to any functional purpose. This is particularly apparent in the case of dwelling 3 which is accessed from Lowlands Road, with a front garden and entrance similar to dwellings 1 and 2, but with markedly different materials and elevational treatment. In terms of the front elevation there would seem to be no overall coherence in terms of the pattern of fenestration, which includes vertical and horizontal elements, and would appear to be unrelated to form or function of the accommodation it serves, unlike the rear elevation which despite the variations in material has a more unified appearance.
15. The applicant considers that the use of brick to the ground floor with render above reflects the materials used in the neighbouring houses within the conservation area. Whilst the cast stone string course located above the ground floor brickwork would make visual reference to the adjoining listed

terrace. Whilst some of the proposed materials are found within the conservation area the existing buildings use a much less extensive palette of materials, and the variations in materials are used to enhance the architectural rhythm of the buildings.

16. The proposal would preserve key views into and out of the conservation area, particularly from the open space to the south and east. The appellant suggests that the proposal would provide a transition between the larger scale buildings on the northern side of Lowlands Road and the dwellings within the conservation area. The opposite side of Lowlands Road lies outside of the conservation area and due to the scale, appearance and commercial nature of the buildings they clearly form part of the town centre and are distinctly different in character from the north. Despite the urbanising influence of Lowlands Road, the conservation area retains a suburban residential character. The proposal would be unrelated to either the adjoining locally listed terrace, or the conservation area more generally, in terms of scale, materials, and proportions. It would therefore fail to comply with policy DM7 which seeks to conserve heritage assets and their setting.
17. The site has been vacant since about 1999 and is currently enclosed by advertisement hoardings. In its present form it cannot be considered to make a positive contribution to the setting, character or appearance of the conservation area. The Framework states that developments should function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development. Unlike the existing hoardings, the appeal scheme would be a permanent feature in the townscape. The site occupies a prominent position both in relation to the conservation area and the locality overall. Whilst it has the potential to deliver the high quality design sought by development plan policies and to improve the character and quality of the area, for the reasons give above it would fail to do so.
18. Overall the proposal would harm the character and appearance of the conservation area and would fail to deliver the high quality design sought by policies 3.4 and 3.5 of the London Plan and policy DM1 of Harrow Council Development Management Policies, which together require housing proposals to be of a high quality and appropriate to their context.

Living Conditions

19. The rear elevation of the Lowlands Road frontage would face towards the boundary with 53 Roxborough Park. It would include floor to ceiling windows to the upper floors and terraces at first floor and second floor level. These would extend close to within a few metres of the side boundary to 53 Roxborough Park.
20. Due to their proximity to the boundary the upper floor windows would be overlook the rear of 53 Roxborough Park. There would also be five separate terraces facing towards the rear garden of 53 Roxborough Park which would extend closer to the boundary than some of the windows. The appellant suggests that screening could be used to mitigate any issues arising from the terraces. However, no details have been submitted, and having regard to the proximity of the proposed terraces to the boundary with 53, on the basis of the available evidence, I am doubtful that this would reduce any impact on privacy to an acceptable level. Moreover, having regard to the size of the terraces and their contribution towards amenity space for future occupants, I consider they

would also be likely to give rise to noise and disturbance to the occupants of 53 Roxborough Park.

21. The appellant explains that the terraces have been included to ensure that the proposed dwellings meet the outdoor amenity space standards within the London Plan. Whilst it is important that any proposals provide satisfactory living conditions for future occupants, this should not be at the expense of existing occupants. In addition, it is explained that due to the orientation the building, large windows are necessary in order to ensure that future occupants receive acceptable levels of daylight and sunlight. Whilst these are important considerations, they do not justify the harm to the living conditions of the occupants of 53 Roxborough Park.
22. Overall the proposal would significantly harm the living conditions of the occupants of 53 Roxborough Park contrary to policy 7.6B of the London Plan and policy DM1 of Harrow Council Development Management Policies.

Flood Risk

23. A Flood Risk Assessment (FRA) was submitted with the appeal in order to address the Council's third reason for refusal. The FRA concluded that the site is located within an area potentially at risk from surface water flooding, although there is no recorded history of flooding from any sources at the site.
24. In order to address the potential risk a drainage strategy reliant on on-site storage discharged to the public sewer by way of a hydro-brake is proposed. In addition it is intended that the finished floor level of the dwellings will be 300mm higher than the lowest existing ground level on the site to mitigate against any surface water flooding affecting the proposed dwellings.
25. The Council considers that further information is necessary, including details of the hydro-brake and surface water storage details relative to the levels of the site. In addition there appears to be a difference between the parties as to whether any of the appeal site comes within Flood Zone 3. Based on the submitted information I am satisfied that these matters could be addressed by way of a condition and that future occupants would not be vulnerable to flooding. Nor would the proposal would increase the risk of flooding elsewhere. Therefore the proposal would comply with policy DM9 of the Harrow Council Development Management Policies and Core Policy CS1(u) of the Core Strategy, which together seek to reduce flood risk and increase flood resilience.

Other Matters

26. I found above that the proposal would harm the conservation area and the locally listed buildings. The harm would be less than substantial harm, and in accordance with paragraph 134 of the Framework should be weighed against the public benefits of the proposal.
27. The proposal would deliver benefits in terms of the provision of 9 dwellings in a location accessible to public transport and a range of services and facilities. This matter adds significant weight in favour of the proposal. The proposal would also bring forward the use of brownfield land in accordance with one of the core planning principles of the Framework. Whilst I have concluded that the proposal would be acceptable in terms of flood risk, this is not a benefit of the proposal, it merely does not add to the harm.

28. Having regard to the harm to the conservation area and the setting of the locally listed buildings, I do not consider that the public benefits of the proposal would outweigh the harm.
29. Overall the proposal would give rise to significant harm to the character and appearance of the surrounding area, including the conservation area and locally listed buildings. It would also unacceptably harm the living conditions of the occupants of 53 Roxborough Park and would fail to comply with the development plan as a whole. I consider the harm arising from the proposal would not be outweighed by other material considerations.

Conclusion

30. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR