



Appeal Decision

Site visit made on 10 July 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/M5450/W/17/3174024

10 Aylmer Drive, Stanmore HA7 3EG

- 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 John Feeney against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3919/16, dated 12 August 2016, was refused by notice dated 1 December 2016.
 - The development proposed is the demolition of existing house and erection of a new detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed dwelling on:-
 - The character and appearance of the surrounding area, with particular reference to the setting of the grade II listed 1 Aylmer Close and the setting of the Little Common Conservation Area; and
 - The effect of the proposed development upon the living conditions of occupiers of 12 Aylmer Drive, with particular reference to privacy.

Reasons

Character and Appearance

3. The appeal site lies within the densely wooded, verdant sylvan setting of Aylmer Drive and the adjoining Aylmer Close. The Little Common Conservation Area (Conservation Area) directly adjoins the site's northern boundary, beyond which also lies the grade II listed 1 Aylmer Close.
4. Aylmer Drive and Aylmer Close are private drives. The overwhelmingly verdant landscaped surroundings create a sense of enclosed tranquillity that is not present on the busier Stanmore Hill. The Conservation Area Character Appraisal (CACA) notes the lush landscaping and mature trees of the former established pleasure grounds of Hill House which predominate and from which it considers that the modern housing benefits. These lead into Aylmer Drive, beyond the Conservation Area, providing continuity and character to the fringes of the Conservation Area.
5. Within Aylmer Drive the large houses are set back from the roadside within the large, well-stocked and landscape gardens that are noted as being typical not just of the Conservation Area, but also Aylmer Drive. Whilst the existing

dwelling at the appeal site is located close to the site's Aylmer Close boundary, its single storey design, flat roof and generally low line proportions are such that it has a discrete and unobtrusive presence within the site. Only for a short distance on the northern boundary, along Aylmer Close and diagonally opposite the grade II listed 1 Aylmer Close, does the appeal site's boundary vegetation open out and create a gap between stands of trees at the front and rear corners of the site. In this gap, although sited close to the timber panel boundary fence that faces directly on to Aylmer Close, the existing dwelling is barely visible above the timber fence.

6. Although it is recognised that the existing building has little architectural merit and lies just beyond the Conservation Area, it has a relatively discrete and unobtrusive presence within the Aylmer Drive and Aylmer Close streetscene. Its low-line proportions maintain the dominance of the mature landscaping, particularly around its well-stocked and tree lined boundaries, whilst the front elevation is formed so as to focus its outlook on the Wellingtonia tree that provides a focal point to the front of the site from Aylmer Drive. Indeed, the verdant and mature landscaping is a particular feature of the surrounding area, a legacy of the formal landscaping and planting associated with the original estates of Little Common, Stanmore Hall and Hill House, from which Aylmer Close, Aylmer Drive and other parts of the Conservation Area have evolved.
7. However, although sited no closer to Aylmer Close than the existing dwelling, the proposed replacement dwelling would be of a substantially greater and more significant scale. The strident two storey elevation would be an obtrusive and dominating feature above the boundary fence, the additional scale and bulk of this element of the dwelling at odds with the low, horizontal emphasis of the listed building at No. 1. Moreover, combined with its proximity to the plot boundary, its unbroken and unrelieved flank elevation would have a prominence not typical along Aylmer Drive or Aylmer Close.
8. Notwithstanding the nature of the boundary landscaping around the appeal site and adjacent plots around the junction of Aylmer Drive and Aylmer Close, the two storey flank elevation of the proposed dwelling would dominate its surroundings to an extent that the existing, and predominantly low-line single storey building does not. The result, I find, would be an obtrusive and incongruously sited dwelling with respect to its Aylmer Close setting that would fail to respect the context, character or appearance of its surroundings and would fail to preserve the setting of either the adjacent grade II listed 1 Aylmer Close or the setting of the Little Common Conservation Area.
9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving a listing building or its setting. I agree with the Council that the harm caused to the setting of the adjacent listed building would be less than substantial. However, paragraph 132 of the National Planning Policy Framework (the Framework) states that any harm should require clear and convincing justification. It goes on to state that where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal.
10. I acknowledge that the Council have not raised concerns regarding the elevational treatment of the building's other elevations, or with regard to its siting within the plot in relation to Aylmer Drive. I note too that the proposal

would retain as a focal point the mature Wellingtonia tree that presently dominates the driveway entrance to the site from Aylmer Drive. These factors weigh in support of the proposal and carry some limited public benefit. However, I do not consider these to be sufficient to outweigh the harm to the setting of the adjacent listed building that I have identified that would arise from the incongruously strident scale, bulk, massing and appearance of the proposed dwelling's flank elevation.

11. Paragraph 137 of the National Planning Policy Framework (the Framework) states that proposals that preserve those elements of the setting of a heritage asset that make a positive contribution to, or better reveal the significance of, the heritage asset should be treated favourably. For the same reasons as set out above, the proposal would also fail to respond positively to local character and context within Aylmer Drive and Aylmer Close in terms of elements of the design, siting and spacing of the dwelling within the plot, causing harm to the character and appearance of the surrounding area and the setting of the Little Common Conservation Area. The proposal would thus fail to secure the high standard of design sought by Harrow Council Core Strategy (CS) core policy CS1(B) and (D) and Harrow Council Development Management Policies (DMP) policies DM1 and DM7. In so doing, the proposal would also be contrary to London Plan policies 7.4B, 7.6B and 7.7C and 7.7D and the Framework.

Living Conditions

12. The Council are concerned that, at its closest point, the proposed dwelling would be in the region of 13 metres from 12 Aylmer Drive. Due to the exploitation of ground levels within the site, the proposal would have raised balconies at (upper) ground and first floor levels, above a partly subterranean lower ground floor level. However, the main aspect of the south facing elevation of the building, and consequently that of the balconies, is towards Aylmer Drive itself, rather than towards the neighbouring property at No. 12.
13. At first floor, the proposal would incorporate an opaque glazed screen at the end of the balcony, intercepting views towards No. 12 from the nearest window on the south facing elevation. The outlook from the balcony towards No. 12 would, at worst, be of an oblique nature towards the flank elevation, driveway and garages of that property. Further around the balcony, towards its eastern end, and the distances involved would be greater.
14. At upper ground floor level, the balcony would lose the degree of elevation that the first floor would enjoy. Whilst it would stand above current ground floor level within the site, neither it nor the full height glazed windows at this level would be any closer to the boundary with No. 12 than is currently the case for the patio and full height glazed windows.
15. With regard to the scale of the proposed dwelling, I acknowledge that it would be of a greater height than the existing dwelling. However, it would occupy a broadly similar footprint area and would not be materially closer to the site's boundary with No. 12. The two buildings would be set at an oblique angle to each other, with the driveway and garage wing of No. 12 located closest to the appeal site. Whilst there are first floor dormer windows above the garage wing, and on the flank elevation of the main house, these would not look directly towards the proposed dwelling.

16. However, more significantly, the verdant, sylvan settings typical of properties on Aylmer Drive and Aylmer Close are present between the appeal site and No. 12 and present a considerable natural screen between the two. I accept that these cannot be guaranteed in their current form in perpetuity, but they nonetheless create a significant impediment to overlooking and inter-visibility between the two properties.
17. Thus, I am satisfied that the proposed dwelling would not give rise to unreasonable levels of actual or perceived overlooking, or be visually intrusive in terms of the outlook from No 12. The proposal would achieve the high standard of privacy and amenity sought by DMP policy DM1(C), having regard to the criteria set out in DMP policy DM1(D) and the Council's Supplementary Planning Document: Residential Design Guide (SPD) In so doing, the proposal would also achieve one of the Framework's core planning principles of securing a good standard of amenity for existing occupiers of land and buildings.

Conclusion

18. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR