
Appeal Decision

Site visit made on 24 September 2018

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2018

Appeal Ref: APP/M5450/W/18/3205143
2 Boxtree Road, Harrow HA3 6TG

- 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 P Khakharia of DB Planners Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1134/18, dated 18 March 2018, was refused by notice 29 May 2018.
 - The development proposed is demolition of existing residential dwelling and garage, and erection of a new residential building housing one replacement dwelling and 5 new dwellings with associated parking, bin and cycle provision.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposal on the character and appearance of the area,
 - the use of garden land to facilitate the proposal,
 - the impact of the proposal on flooding, and
 - Whether the proposal would provide adequate living conditions.

Reasons

Character and appearance

3. The appeal site is located on the corner of High Road and Boxtree Road, the existing dwelling is located to face toward Boxtree Road with a garden to the side and rear, the front of the property is laid to hardstanding. Views of the dwelling from the A409 are largely screened due to the mature vegetation and planting along this part of the road. Due to the positioning of the dwelling within the site public views of the site are largely seen with the dwelling forming part of the residential dwellings along Boxtree Road. These are traditional detached dwellings of a generous size set within comfortable plots. Whilst there is some variation in materials, the resonating character consists of red brick and tiled detached properties.

4. The proposed building would provide six flats accommodated over three floors. The elevations show expanses of dark stained timber and render. The scale would be akin to a modern, flatted development, and the commercial, urban design of the development would look entirely out of place within this traditional street scene. The proposed flat roof would look uncomfortably sandwiched between two traditional dwellings with hipped roofs. The balconies to the front would introduce an urban design that would appear entirely alien within its immediate surroundings.
5. The design would be more akin to a landmark style building, which would sit comfortably within a commercially dominant area. However, whilst the appeal site is a short distance from the commercial properties along the A409, it is not seen within this context for a number of reasons including the physical break provided by the park, the residential style street scene, and the significant level of planting along the road to the front of the site. It would not be appropriate to permit bold and distinctive development that would have no relationship with the style of its neighbours. The introduction of a development of this scale and design at this location would appear as an incongruous and contrived scheme, which would result in significant harm to the character of the area.
6. The ridge height would not increase above the neighbouring properties, and I note the reference to other permitted development by the council of a variety of styles. Furthermore, the National Planning Policy Framework (the Framework) provides that architectural styles should not be imposed. However, on the basis of the proposed design of this scheme and my observations at the time of my site visit, and having considered this appeal on the basis of its own merits, I find that the box like, flat roof design, and the utilisation of bland commercial style detailing, would appear entirely at odds with neighbouring development. This would result in harm to the character of the area.
7. One of the aims of the Harrow Core Strategy (2012) (the CS) is to ensure that development achieves a high standard of design and is not detrimental to local character. The proposal would fundamentally conflict with policy CS1.B of the CS and Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) (the HDMP) in this regard. The scale and design of the proposal before me would not respond to the neighbouring built form. It would result in harm to the character of the area would conflict with the Framework, and Policies 7.4B, 7.6B and 3.5A of the London Plan (2016) which seek to provide high quality design.

The development of garden land

8. The Council has a Supplementary Planning Document: Garden Land Development, which was adopted in 2013 (the SPD). The appeal site falls within the definition of garden land as per paragraph 3.1 of the SPD. The aim of the SPD is to assist interpretation and application of existing policies that encourage development on allocated sites in accordance with the CS, however it advises that an element of judgement is necessary when applying the SPD.
9. Paragraph 3.6 of the SPD states that garden land development excludes the redevelopment of an existing dwelling or group of dwellings to provide multiple dwellings or flats on the same building footprint, plus any appropriate enlargement. An appropriate enlargement is considered to be the footprint of any permitted extensions that could be exercised, or the footprint of an

extension that would be consistent with the council's Residential Design Guide SPD (both options exclude outbuildings).

10. The appeal site is currently significantly covered by hardstanding to the front and rear and includes a number of outbuildings, creating a harsh environment. The proposal would result in a substantial enlargement in built form to that existing, however I have limited evidence to suggest that in respect of this scheme any outstanding permitted development was assessed, or that the wider benefits, including the use of the green roof were taken into account.
11. The proposal would conflict with the SPD in so far as it would be located on garden land, it is not a gap site, and I do not consider that it can be appropriately considered as a windfall site. However, there are clear material considerations that weigh in favour of the scheme. The existing hardstanding would be removed and, when taking into account the proposed green roof, the garden and lawn area would be substantially increased, creating a defined and functional garden space which would contribute positively to the site and its surroundings. Furthermore the proposal would provide an additional five units to contribute toward the council's housing supply.
12. The principle of the development on this site would conflict with Policy 3.5A of the London Plan, Policies CS1 of the CS, and the SPD: Garden Land Development (2013) which collectively aim to secure appropriately located development. However, I find that in this particular case, on the basis of its own merits, the conflict with these policies would be outweighed by the other material considerations that I have identified above.

Flood risk

13. The appeal site is in flood zone 3A, and there is a high risk of surface water flooding. As part of the appellant's appeal submission it has been proposed to raise the floor levels which would ensure that the development would be above the 300mm predicted flood level.
14. Furthermore, it would be possible to ensure that surface and foul water systems were separated through the submission of drainage details. I am satisfied that this could be achieved through the use of an appropriately worded condition, as demonstrated on schemes elsewhere within the borough.
15. Therefore, on the basis of the evidence, I am satisfied that the proposal would provide adequate drainage and would not impede water flows or increase flood risk elsewhere. As such I find that the proposal would comply with Policies CS1 of the CS, DM 9 and DM 10 of the HDMP, 5.12 of the London Plan, and the Framework, which all seek to pro-actively manage development in relation to flood risk by preventing new and existing development from contributing to, or being put at unacceptable risk from flooding.

Living conditions

16. Each of the proposed flats would exceed the minimum floorspace as set out in the London Plan. An external area of some 200 square metres would be provided, along with rear balconies serving some of the flats. Whilst the ground floor flats do not show private external amenity space, taking into account the overall size of the external space, private areas could be provided for these flats through an appropriate landscaping condition.

17. The external space would be overlooked, however in urban development this is not uncommon, and would not be a reason to warrant dismissing the scheme on that ground.
18. Due to the orientation of the built form, and the ability to ensure that obscure glazing be used on balconies, I do not consider that the proposal would have a significantly detrimental impact on neighbouring occupiers.
19. Accordingly, I find that the proposal would provide adequate living conditions for future and neighbouring occupiers. It would comply with Policy 3.5B/C of the London Plan, and Policies DM 1 and DM 26 and DM 27 of the HDMP in this regard.

Planning Balance and Conclusion

20. A planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the conflict with the development plan with regards to the location of the development would be outweighed by a number of material considerations. The scheme would provide additional units which would boost the supply of housing in the area in line with national policy, the London plan, and the long term aims of the council. The appeal site is located close to shops and services and has a good PTAL rating, and I am satisfied that suitable conditions could be imposed to address drainage. In addition the proposal would provide adequate living conditions for future residents and neighbouring residents. These are notable benefits of the scheme.
21. However, I have found that the design, scale and mass of the proposal would result in significant harm to the character and appearance of the area. The benefits of the scheme do not outweigh this harm.
22. Therefore, I conclude that the appeal scheme would be contrary to the development plan when taken as a whole and material considerations do not outweigh the identified conflict. Accordingly, for the reasons above, and taking all other matters into account, the appeal should be dismissed.

J Ayres

INSPECTOR