



Appeal Decision

Site visit made on 18 June 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 8th July 2019

Appeal Ref: APP/M5450/W/19/3226045

14A Station Parade, Kenton Lane, Harrow HA3 8SB

- 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 Gerry Grealis against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4641/18, dated 12 October 2018, was refused by notice dated 19 December 2018.
 - The development proposed is the construction of four storey building with basement level to provide retail unit at ground floor level; 1 x 1 bed at first floor and 1 x 2 bed at second and third floor; 4 car parking spaces, secure bin/cycle store and secure access.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) biodiversity interests and (b) the vitality and viability of the Belmont Shopping Parade.

Reasons

Biodiversity Interests

3. The proposed development includes the erection of a building located at the end of a terrace situated within the Belmont Shopping Parade. The buildings within the terrace have retail units at ground floor level and residential use above. The appeal scheme would replicate these uses. The appeal site is located adjacent to a site of importance for nature conservation (SINC) which was a former railway and is now a green corridor known as the Belmont Trail.
4. Limited consideration has been given in the appellant's documents supporting the application and appeal concerning the potential ecological value of the SINC and what the impact of the proposed development might be on its biodiversity value. In the absence of significant ecological survey information I cannot be certain whether the proposed development may have adverse implications for the biodiversity of the SINC, including, if present, any protected species.
5. Further, as part of the appeal scheme, 3 trees within the SINC are identified to be felled which would have some impact upon biodiversity value. Although the arboricultural survey indicates the 3 trees fall within Categories B and C, there is no specific information provided showing that the owner of the SINC, the

Council, would agree to their felling and the planting of replacement trees. No Planning Obligation, of the type indicated by the appellant, for a financial payment to plant the suggested replacement trees has been provided. A Grampian style condition may be capable of addressing this matter but there still remains a lack of detail about any replanting proposals to ensure that there would be no net loss of biodiversity. The use of non-permanent planted containers within the development would not be sufficient for this purpose.

6. In the absence of sufficient information, it is concluded that the proposed development would cause unacceptable harm to biodiversity interests and, as such, it would conflict with Policies 7.19 and 7.21 of the London Plan (LP) and Policies DM 20 and DM 22 of the Harrow Development Management Policies Local Plan (DMP). Amongst other matters these policies require development to avoid adverse impact to biodiversity interests, seek to mitigate loss of biodiversity and replace trees lost as a result of development. No conflict with DMP Policy DM 21 has been identified which is specifically concerned with enhancement of biodiversity sites.

Vitality and Viability

7. The Council has expressed concerns about the configuration of the proposed ground floor shop and its usability and functionality as a retail space. However, although the entrance to the proposed shop would be adjacent to the access to the flats, there would be a frontage presence by reason of the large angled window which would be seen from the road. There would be visibility of the proposed shop for people walking along the footway.
8. Having entered the shop, the commercial space available would be both significant and obvious for the future customers. Similar configurations where the rear part of a shop is wider than the area by the entrance can occur at some corner or triangular shaped plots. There would be ample space for the future occupiers to undertake a range of retail activities. Accordingly, there are no cogent reasons to support the Council's claim that the internal layout of the proposed retail unit would fail to be either functional or contribute to the vitality and viability of the Shopping Parade, particularly where the appeal scheme would increase the Parade's retail floorspace.
9. For the reasons given, it is concluded that the proposed development would not harm the vitality and viability of the Belmont Shopping Parade and, as such, it would not conflict with DMP Policies DM 1 and DM 38. Amongst other matters these policies refer to the acceptability of ground floor uses of premises for purposes that are appropriate in town centres and the functionality of the development.

Conclusion.

10. Although the proposed development would not harm the vitality and viability of the Belmont Shopping Parade, this matter is demonstrably outweighed by the unacceptable harm caused to biodiversity interests. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR