



Appeal Decision

Site visit made on 4 June 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/M5450/W/19/3225128

97 Streatfield Road, Harrow HA3 9BW

- 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 Bhandari against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4592/18, dated 12 October 2018, was refused by notice dated 10 December 2018.
 - The development proposed is a 2 storey new-build, 3 bedroom detached house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note inconsistencies on the submitted drawings in terms of the shape of the rear portion of the proposed plot when comparing the plot shape shown on the 1:1250 Location Plan and 1:500 Block Plan with that on the 1:50 Ground Floor Plan and 1:200 Block Plan. Given I am dismissing the appeal I have not sought to rectify this anomaly at this late stage.
3. My attention has been drawn to an error in the Council's report which refers to a 'proposed dormer extension'. In all other respects, the Council's reasons for refusing the application are clearly set out and this error has therefore had no bearing on my assessment of the proposal.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for new residential development, having regard to the development plan;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions for the occupiers of the existing dwelling at No 97 Streatfield Road with particular regard to light, outlook and privacy.

Reasons

Whether the appeal site is a suitable location for new residential development.

5. Policy CS1 of the Harrow Core Strategy (2012) (CS) states that growth will be managed in accordance with the spatial strategy for the area with the Harrow

and Wealdstone Intensification Area being the focus for regeneration including almost half of all new homes over the plan period. Growth throughout the rest of the Borough will be directed to town centres and strategic previously developed sites. The appeal site lies outside of any of these specified areas.

6. Policy CS1 part B seeks to resist garden development. The Harrow Garden Land Development Supplementary Planning Document (2013) (GLD SPD) confirms that the presumption against garden land development under Policy CS1 is to ensure housing growth is delivered in accordance with the spatial strategy by preventing incremental residential growth on garden land leading to a harmful degree of dispersal. Such an approach is consistent with paragraph 70 of the National Planning Policy Framework (the Framework) which states that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area as well as Policy 3.5 of The London Plan (2016) which states that a presumption against development on private residential gardens may be introduced where locally justified.
7. Paragraph 3.5 of the GLD SPD confirms that for the purposes of implementing Policy CS1 part B, garden land development means any development on garden land that results in the formation of one or more new dwellings including on sites with a secondary road frontage such as corner properties. The SPD makes an exception for gap sites where there is an obvious vacant plot of dimensions consistent with those prevailing in the street but confirms that corner sites do not constitute the kind of gap to which this exception applies.
8. The development would occupy land that currently forms garden land to the side and rear of No 97. The appeal site occupies a corner plot facing the junction of Streatfield Road and a roundabout. Whilst the front of the site would be of a width similar to other dwellings on Streatfield Road, the dimensions, irregular shape and layout of the overall plot and the resultant plot at No 97 would not be consistent with the general pattern of development in the area. The site does not therefore exhibit the characteristics of a genuine gap site that would fall under the exceptions for development of garden land in the SPD.
9. Whilst the development would make a limited contribution towards housing in the Borough, it would be unmanaged, incremental growth contrary to the spatial growth strategy and would have a harmful impact on the delivery of the strategy.
10. To conclude, and for the reasons set out, the development would result in the inappropriate development of a residential garden contrary to Policy 3.5 of The London Plan, Policy CS1 of the CS, the GLD SPD and the Framework.

Character and appearance

11. Streatfield Road is characterised by mainly two-storey semi-detached dwellings set back from the road with frontage off-street parking. As a result of its position in the street and orientation, there is a wider gap between the dwelling at No 97 and the neighbouring dwelling at No 95 Streatfield Road than those generally seen between surrounding dwellings.

12. The proposed dwelling would occupy the space between the dwellings at No 95 and No 97 and would incorporate some features that reflect neighbouring properties including a hipped roof and a front projecting gable. It would also have a front elevation sitting on a similar alignment to the dwelling at No 95. However, the constraints of the site and the layout proposed means that the gap between the side elevations of the proposed dwelling and the dwelling at No 95 would be narrower than the general spacing between dwellings in the area. The sub-division of the plot as proposed would result in an irregular boundary line with No 97 and part of the dwelling would be shaped to follow this boundary. As a result of these factors, the overall design and layout of the detached dwelling would appear contrived. It would not sit comfortably within the plot and would be at odds with the layout and form of other dwellings in the area which are generally well spaced with plots shapes that respond to the general pattern of development in the area.
13. The appellant contends that the garden and boundary fence are not of any significant visual merit within the streetscene. They have also brought to my attention other dwellings in the area that they consider have a similar relationship with the street and set a precedent for the proposal. However, from the evidence before me and what I saw on site, the examples given do not have identical characteristics to the appeal proposal and for the reasons given the proposal would not enhance the character and appearance of the area.
14. To conclude, and for the reasons set out, the overall design and layout of the proposal would have a harmful effect on the character and appearance of the area. The proposal would therefore conflict with Policies 3.5, 7.4 and 7.6 of The London Plan (2016), Policy CS1 of the CS and Policy DM1 of the Harrow Council Development Management Policies (2013) (DMP) which when read together expect new development to be of a high standard of design that has regard to its context. The development would also be contrary to Paragraph 130 of the Framework states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
15. In reaching this conclusion I have also given regard to the Harrow Supplementary Planning Document Residential Design Guide (2010) (SPD RDG) which amongst other things states that the design and layout of new development should be informed by the pattern of development of the area in which it is situated.

Living conditions for the occupants of No 97 Streatfield Road

16. The proposed dwelling would project past the rear elevation of No 97 and its side elevation would partly follow the irregular shape of the proposed side boundary. The Council contends that the new dwelling would project past a 45-degree line taken from the nearest window to the rear of No 97 and I have no contrary evidence before me to demonstrate otherwise. The building would also be angled towards the immediate rear garden area to the rear of No 97. As a result of the angle and orientation of the development, its close proximity to the boundary and its projection past the rear elevation of No 97, the proposal would have a dominant and overbearing relationship with this neighbouring property. This would result in material harm to the levels of outlook experienced by the occupiers of No 97.

17. Ground and first floor windows are proposed within an angled section of the side elevation in close proximity to the boundary and facing towards the garden serving No 97. The ground floor window would serve a kitchen and subject to a suitable boundary treatment being erected would not result in material harm by way of any overlooking impact. The first-floor window would serve a bathroom and could be obscure glazed. However, its elevated position in close proximity to the boundary and garden space to the rear of No 97, would result in a perceived overlooking impact and would compound the poor relationship of the development with the living conditions of the occupants of No 97.
18. The Council's reason for refusal cites a loss of light would occur for the occupiers of No 97. Clearly there would be some impact on light given the orientation and close proximity of the proposal to the rear elevation and garden serving the dwelling at No 97. I have no substantive evidence before me, for example in the form of a levels of light survey, to demonstrate that any loss of light would be to the extent that it would result in material harm to the living conditions of neighbouring occupiers. Nevertheless, given my conclusions on the effect on outlook and privacy, the overall impact on living conditions for the occupiers of No 97 would be one of harm.
19. Given the above, I have not found conflict with the development plan with regard to adequacy of light for neighbouring occupiers. However, I find that the proposal would have a harmful impact on the living conditions of the occupants of No 97 having regard to the potential for loss of outlook and privacy. The development would therefore conflict with Policy 7.6B of The London Plan (2016) and Policy DM1 of the DMP which when read together seek amongst other things that development does not cause harm to the amenity of neighbouring occupiers having regard to privacy and outlook. I have also given regard to the SPD RDG which amongst other things states that development which is detrimental to the amenity and privacy of neighbours will not be accepted.

Other Matters

20. The ability of the proposal to provide adequate room sizes and garden space does not overcome the inappropriateness of the proposal and the harm identified to the character and appearance of the area and neighbouring living conditions. Equally, permitted development rights for the appellant to lay hard surfacing or erect outbuildings does not provide justification which would override this harm.
21. The appellant alleges that the Council has not been proactive in the way it has dealt with their proposal. However, this is not a matter for me to consider as part of an appeal under section 78 of the Town and Country Planning Act 1990.
22. The design and access statement submitted with the planning application refers to new dwellings that have been granted planning permission in the Borough. I have not been made aware of the full details of these planning applications and therefore my conclusions that the proposal would be contrary to the development plan for the area are unaltered.

Conclusion

23. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR