
Appeal Decision

Site visit made on 26 June 2019

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/M5450/W/19/3223978

44 Greenhill Road, Harrow, London HA1 1LD

- 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 Jeremiah Donovan against the decision of Harrow Council.
 - The application Ref P/5014/18, dated 8 November 2018, was refused by notice dated 8 January 2019.
 - The development proposed is the 'demolition of existing building. Construction of a new residential dwelling consisting of a basement, ground and first floor. Proposed courtyard to the rear. 2 no. proposed rooflights. Proposed balcony at first floor with glass balustrades'.
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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.
 - Whether the proposal would provide acceptable living conditions for future occupiers with particular regard to outlook and the provision of amenity space.
 - The effect of the proposal on the living conditions of neighbouring properties with particular regard to privacy and outlook for occupiers of Nos 2 and 4 Greenhill Way.

Reasons

Character and Appearance

3. The appeal site is a small plot of land on the south side of Greenhill Road. It is situated in a residential area just to the north of Harrow on the Hill's main shopping centre. The site is surrounded by residential properties. Its eastern boundary is formed with the end of the small rear garden of No 2 Greenhill Way, which contains a shed. The rear (southern) boundary of the appeal site adjoins the garden of No 4 Greenhill Way. Immediately to the west of the site is a hardstanding and garage and beyond that is No 42 Greenhill Road, an end of terrace property. Opposite the front of the site, there are pairs of semi-detached houses.

4. The appeal site is currently occupied by a single storey building which covers most of the site. The building is described as a 'garage / office' in the application form and comprises a brick built structure with a pyramidal tiled roof. It has two sets of garage doors facing Greenhill Road and some high level windows in its side elevation, along with some rooflights. Although seemingly unconnected with the dwellings either side, it has the appearance of an outbuilding.
5. The appeal proposal would replace the existing building with a house that would have accommodation on three levels. The full depth basement accommodation would cover the full extent of the site and would house a gymnasium / cinema room, bathroom and courtyard. The ground floor footprint would be slightly smaller and would include a cut back to create a lightwell to the basement courtyard; this level would include the living area and kitchen. The first floor would contain a bedroom and en-suite, and there would also be a small balcony at this level. Externally, the walls of the building would be faced in brickwork with a roof covering of zinc sheeting.
6. The character and appearance of the area is residential, mature and attractive. The site context is predominantly defined by period and traditional styled houses, which are typically of two storey scale with pitched roofs and with a range of architectural features, including bay windows, projecting gables and brick built chimneys. The houses are arranged in uniform rows facing the street and set behind modest front gardens. The rear garden areas separating the rows of houses form a distinct green zone which contributes to the area's character.
7. The appeal proposal would be at odds with this prevailing character. It would introduce a dwelling of a modern and unorthodox design on to a very restricted site which currently forms part of a distinct zone which separates the rows of houses on Greenhill Road and Greenhill Way. Whilst I recognise that the design has been conceived to minimise the height and mass of the house, the restricted site size, the uncharacteristic building and roof form and detailing, including materials and window openings, all combine to result in a design which would jar in its context and appear cramped in and out of place.
8. On this main issue, I conclude that the proposal would cause harm to the character and appearance of the area. As such, the proposal would conflict with policy 7.4 of the London Plan (2016) and policy DM1 of the Harrow Development Management Policies Local Plan (2013) (DMPLP) which require new developments to achieve a high standard of design that respects and enhances local character and appearance. The proposal would also fail to accord with the paragraph 127 of the National Planning Policy Framework (February 2019) (the Framework) that similarly requires developments to be of a design which adds to the overall quality of the area and to be sympathetic to local character.

Living Conditions – future occupiers

9. The Council and the appellant agree that internal accommodation would be acceptable in terms of room sizes and ceiling heights, but dispute the adequacy of the proposal in terms of amenity space and outlook.
10. With regard to amenity space, the dwelling includes a small balcony at first floor level and a courtyard in the basement. The appellant says that the

balcony would be 3.1 square metres and the courtyard 10.5 square metres. The balcony would afford some amenity for future occupiers but it would be very limited in size. Whilst the courtyard area would be a little larger, about half of its area would be under the living room and the remainder would receive limited light through a lightwell. I consider that this would not be a particularly useable or attractive amenity space for future occupiers. I therefore consider the amenity space provision to be poor.

11. With regard to outlook, the main accommodation at ground and first floor levels would be lit by windows in the front (street) and side elevations, although the west side windows would be high level. As the ground floor kitchen / living and first floor bedroom would have windows giving views to the street, I am satisfied that the outlook for future occupiers would be reasonable.
12. I conclude on this main issue that whilst the outlook for future occupiers would be acceptable, the level of amenity space would be poor and this would compromise the living conditions of future occupiers. As a result, the proposal would conflict with policy 7.6B of the London Plan (2016) and policy DM1 of the DMPLP (2013) which require new developments to provide a satisfactory quantum and form of amenity space for future occupiers. It also conflicts with paragraph 127 of the Framework (February 2019) that similarly expects a high standard of amenity for future users.

Living Conditions – privacy and outlook - Nos 2 and 4 Greenhill Way.

13. The design recognises the proximity of habitable room windows in the rear elevations of Nos 2 and 4 Greenhill Way and responds by avoiding any windows in the rear elevation and limiting and controlling windows in the side (eastern) elevation). Within this side elevation, the ground floor windows are screened by the boundary wall. The first floor windows comprise an obscure glazed bathroom window, a rooflight over the stairwell and a door from the bedroom leading to the small balcony, which would be behind a 1.7 metre high obscure glazed balustrade. As a result of their nature, design, positioning and screening, I am satisfied that the proposal would not result in any undue overlooking effects from these windows, or from the small balcony area.
14. With regard to outlook, the house would be taller and larger than the existing building on the site, although it would remain lower in height and mass than the rows of houses either side of it.
15. When viewed from No 2 Greenhill Way, the submitted plans demonstrate how the mass of the proposed building would fall within a 25° angle of elevation from the ground floor window in the rear of No 2. Whilst this does confirm that the effects on daylight entering No 2 will be limited, the house would still appear quite imposing in view and would adversely change the outlook for occupiers. This effect is exacerbated by the relatively short rear garden length of No 2.
16. When viewed from the garden of No 4 Greenhill Way, the existing building is single storey and has a pyramidal roof such that it appears as an outbuilding in terms of scale and has a limited impact on the garden area. However, the two storey element of the proposed house, whilst not occupying the full site width, would be built immediately next to the boundary. It would be bulky and overbearing and would adversely affect the living conditions of residents in terms of their outlook from the garden.

17. On this main issue I conclude that whilst the proposal would not result in any undue loss of privacy as a result of overlooking, it would be harmful to the outlook of residents at Nos 2 and 4 Greenhill Way. As a consequence, the proposal would conflict with policy 7.6B of the London Plan (2016) and policy DM1 of the DMPLP (2013) which seek to protect existing amenities enjoyed by neighbouring uses and users. It also conflicts with paragraph 127 of the Framework (February 2019) that similarly expects a high standard of amenity for existing users

Other Matters

18. I have taken into account the appellant's submissions regarding the innovative design of the proposal, the sustainable location of the site in proximity to Harrow town centre and the contribution the proposal will make to the local housing supply. However, these considerations do not outweigh the harm I have identified under the main issues.

Conclusion

19. For the reasons given above, and taking all matters into account, the appeal is dismissed.

P. Staddon

INSPECTOR