



Appeal Decision

Site visit made on 9 July 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2019

Appeal Ref: APP/M5450/W/19/3224920 68 Hawkins Close, Harrow HA1 4DJ

- 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 Kevin Sheridan against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3988/18, dated 4 September 2018, was refused by notice dated 31 October 2018.
 - The development proposed is a new detached 2 bedroom house on a side plot of land.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect the proposed dwelling would have on:
 - the character and appearance of the site and surrounding area;
 - the living conditions of the occupiers of 48 Lascelles Avenue with particular regard to overlooking, privacy and overbearing; and
 - whether satisfactory living conditions would be provided for the future occupiers, with reference to a sense of enclosure, outdoor amenity space, refuse and cycle storage and internal space.

Reasons

Character and appearance

3. No 68 Hawkins Close is a semi-detached property which forms part of a prominent corner adjacent to No 48 Lascelles Avenue. The street scene around the cross-road junction is characterised by semi-detached properties. Once further away from the junction, Hawkins Close is characterised by variety of different properties including 3 storey terraced properties and apartments.
4. The new detached dwelling is proposed to sit within the front and side garden of No 68. The proposed dwelling would form a new feature on the corner plot. Although the proposal seeks to reflect the overall design of No 68, the pattern of development in the immediate area is of semi-detached properties set within large gardens. The proposal would appear cramped in size and design when compared to the layout of the properties on the other corners of the junction. Given the prominence of the appeal site in the street scene, it would draw the eye and be an incongruous addition to this area.

5. There are several trees on the boundary which front on to the cross-road junction. The proposed dwelling would require the removal of the existing trees on the site. The trees make a positive contribution to the street scene and it is not clear how their loss would be mitigated. The site, due to its location on a corner of a junction, has a high degree of visibility, therefore, the loss of the trees in this area would be detrimental to the wider street scene.
6. The proposal would harm, rather than respect or enhance the character and appearance of the site and the surrounding area. This would be contrary to the design principles set out in Policies 3.5A and 7.6B of the London Plan (LP), adopted March 2016, and Policies CS1.A and CS1.B of the Harrow Core Strategy (CS), adopted February 2012, Policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (DMPLP), adopted July 2013, Supplementary Planning Document: Garden Land Development, adopted April 2013 and Supplementary Planning Document: Residential Design Guide (SPD:RDG), adopted December 2010. These collectively seek to achieve a high standard of design and have regard to the local character and appearance of the area and set a presumption against the loss of garden land to housing.

Living conditions of the occupiers of the adjoining property

7. The proposal would substantially reduce the gap that currently exists between No 68 and No 48, with the new development abutting the boundary of No 48. The proposals first floor rear windows would be in very close proximity to the rear garden of No 48, which would give rise to an unreasonable level of direct overlooking and loss of privacy. Furthermore, due to the proximity of the proposal to the garden of No 48, it would create a sense of overbearing for the current occupiers.
8. I find that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupiers of No 48 Lascelles Avenue, with particular regard to overlooking, privacy and overbearing. It would therefore be contrary to Policy 7.6B of the LP, Policies DM1, DM26 and DM27 of the DMPLP and the SPD:RDG. These policies and guidance, amongst other things, seek to ensure good quality design in relation to privacy and amenity for existing occupiers of land and buildings.

Living conditions of future occupiers

9. Due to the positioning and orientation of No 68 and the proposed dwelling, the proposal would be acceptable in terms of overlooking and privacy between these 2 dwellings. However, this contrasts with the relationship with the proposal and No 48. In my judgement, future occupiers would feel an unacceptable sense of enclosure from No 48, due to how close the proposal is to the neighbouring property. Turning to the outdoor amenity space, the proposed development would have a side and rear garden, that would not connect and would not in my judgement, provide a reasonable amenity space, particularly to the rear. Consequently, this would lead to a cramped and claustrophobic environment to the detriment of the living conditions of the future occupiers of the proposal.
10. In terms of storage, although details of the refuse storage location and cycle storage location have not been provided, I see no reason that these could not be located within the site and could have been secured through an appropriate condition were the proposal acceptable in all other respects.

11. The proposed dwelling meets the minimum standards for a 2 storey 2-bedroom property, as set out in Policy 3.5 of the LP. However, from the evidence before me it is not clear if it meets the minimum ceiling height standards for at least 75% of the dwelling area, as set out in the Technical Housing Standards – Nationally Described Space Standard, adopted March 2015 (NDSS), or the Mayors Housing Supplementary Guidance, adopted March 2016 (MHSG).
12. I find that the proposed development would not provide satisfactory living conditions for future occupiers with reference to a sense of enclosure, amenity space and internal space. It would therefore be contrary to Policies 3.5C and 7.6B of the LP, Policies DM1, DM26 and DM27 of the DMPLP, the SPD:RDG, the NDSS, and the MHSG. These policies and guidance, amongst other things, seek to ensure good quality design in relation to space standards and privacy and amenity for future occupiers of land and buildings.

Other Matters

13. The appellant's stated benefits, including providing opportunities for those looking to live in smaller properties and accessibility to local services and public transport are noted. However, these do not outweigh the harm I have identified.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR