



Appeal Decision

Site visit made on 1 August 2019

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/M5450/W/19/3228128

2 Reenglass Road, Stanmore HA7 4NT

- 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 Vick Patel against the decision of the Council of the London Borough of Harrow
 - The application Ref P/4195/18, dated 18 September 2018, was refused by notice dated 21 November 2018.
 - The development proposed is the construction of 5 bedroom detached house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Whilst the elevations on drawing PPESP01 suggests that there would be steps up the front entrance of the proposed dwelling, all the other drawings indicate that the ground floor slab would be approximately level with ground level within the front part of the site. As such, and based on my site observations, I have ignored the incorrect elevations shown on drawing PPESP01.

Main Issues

3. The main issues are:
 - (i) whether the site is an appropriate location for residential development, having regard to the development plan and other considerations;
 - (ii) the effect of the proposal on the character and appearance of the area, with particular regard to trees;
 - (iii) whether the proposal would lead to or increase the risk of flooding; and
 - (iv) whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal space and accessibility.

Reasons

Location

4. The appeal property comprises a recently constructed large detached house with a relatively large rear garden that is bounded on one side by London Road. It is located in a suburban residential area comprising mainly detached 2-storey houses. The proposal would comprise the erection of a 2-storey

detached house within the rear part of the garden of 2 Reenglass Road and next to 56 London Road.

5. Policy CS1.A of the Harrow Core Strategy (2012) (CS) directs growth to town centres and previously developed sites and Policy CS1.B states that garden development will be resisted. These policies are in line with Policy 3.5A of the London Plan (2016) (LP) and the National Planning Policy Framework (2019), the former of which states that London boroughs may introduce a presumption against development on back gardens or other private residential gardens in their development plans where this can be locally justified.
6. The Council's Garden Land Development Supplementary Planning Document (2013) (SPD) provides guidance on the application of CS Policies CS1.A and CS1.B in respect of the development of garden land. It identifies specific exceptions to the presumption against development on garden land including gap sites 'within a built-up street frontage'. The SPD notes that gap sites occur only occasionally because most gap sites have long since been filled in.
7. The appeal site is bounded on one side by 56 London Road, which forms one end of a group of houses. To the other side there is garden and the flank elevation of 2 Reenglass Road. The appeal site comprises land at the end of a built-up street frontage rather than a gap within a built-up street frontage and does not constitute an exception to the presumption against development on garden land.
8. For these reasons I conclude that the appeal site is not an appropriate location for residential development and the proposal is therefore contrary to CS Policies CS1.A and CS1.B and the aims of the Council's SPD.

Character and Appearance

9. The group of houses to the side of the appeal site that front London Road are of similar age, width and are set about the same distance from the road. They include similar materials, architectural elements and similar roof forms, which gives the groups a reasonable degree of uniformity.
10. The appeal proposal would be of a simple neo-classical design with a first floor element projecting over the entrance and a relatively steeply pitched crown roof. It would be constructed of red brick and would be wider than the neighbouring houses. It was clear from my site visit that the neighbouring house, 56 London Road, has a ground floor level that is set well below road level, whereas the ground floor level for the proposal would level with the front portion of the appeal site, which is relatively flat and similar in level to the road. In the absence of clear evidence to the contrary, I consider it likely that the proposal would be noticeably taller, and therefore more prominent, than No.56.
11. Due to its width, height and design, the proposal would be an overly prominent and incongruous addition to the street scene that would have an unacceptable effect on the character and appearance of the area. It therefore fails to comply with CS Policy CS1.B, which states proposals that would harm the character of suburban areas will be resisted and Policy DM1 of the Development Management Policies Local Plan (2013) (DMP) which states that proposals which fail to achieve a high standard of design, or which are detrimental to local

character and appearance, will be resisted. There is also conflict with the aims of the aforementioned SPD.

12. There are clusters of Oak and Ash trees within and close to the appeal site, many of which are substantial and mature specimens that make a significant contribution to the appearance of the site and its surroundings. The Council has advised that some of the trees are subject to individual, group and area Tree Preservation Orders, although full details of this are not before me.
13. A plan showing the extent of the crowns and root protection areas of the trees within and close to the site has been provided which indicates that the proposed dwelling would encroach within the root protection area of one of the Oak trees. In addition, the front elevation of the dwelling would be a short distance from a group of Oak trees, therefore potentially necessitating some degree of crown reduction or the removal of these trees in the future.
14. Although an Arboricultural Report has been provided it relates to a scheme for an extension to No.56 rather than the proposal before me and does not therefore provide any evidence that the appeal proposal would not result in the loss or damage to the trees within or immediately adjoining the site. This is not a matter that can be overcome by the imposition of a planning condition.
15. For these reasons I conclude that the potential loss or damage to trees would have an unacceptable effect on the character and appearance of the area. In addition to non-compliance with the policies identified above, the proposal fails to comply with LP Policy 7.21 and DMP Policy DM22, the latter of which states that the removal of trees subject to TPOs or assessed as being of significant amenity value will only be considered acceptable where it can be demonstrated that the loss is outweighed by the wider public benefits.

Flood Risk

16. The appeal site is located within the Harrow surface water flood risk zone which indicates that the proposal may be at risk of flooding and/or may increase the risk of flooding elsewhere. The Flood Risk Assessment, which relates to a scheme for extensions to No. 56 rather than the proposal before me, notes that the site may be affected by flooding from London Road, albeit if the nearby culvert is in full working order the risk of this occurring should be greatly reduced.
17. The appeal site is on two distinct levels with steps and terracing between. The proposed dwelling would be situated within the lower part but its ground floor slab would be approximately level with the front portion which is similar in level to the road. I am satisfied that this arrangement would ensure the dwelling would not be at risk of flooding. I note that sustainable drainage measures could be employed and, if needed, measures could be put in place to ensure that, in the event of flooding in London Road and the culvert failing, the proposal would allow flood water to adequately disperse.
18. For these reasons I conclude that the proposal would not lead to or increase the risk of flooding in the area. It therefore accords with LP Policy 5.12, CS Policy CS1U and DMP Policies DM9 and DM10.

Living Conditions

19. The proposal would comprise a 5-bedroom house with two bedrooms within the roof space. These bedrooms would be windowless and, due to the pitch of the roof, would have restricted headroom. For these reasons the proposal would provide unacceptable living conditions for future occupiers and is contrary to DMP Policy DM1 which states that proposals that would fail to achieve satisfactory amenity for future occupiers will be resisted.
20. As noted above, ground floor slab level within the proposed dwelling would be approximately level with the front portion of the site. The proposal would therefore provide step-free access and accords with LP Policy 7.2.

Conclusion

21. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR