



Appeal Decision

Site visit made on 10 September 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 1st October 2019

Appeal Ref: APP/M5450/W/19/3232998

Land Adjacent 108 Hillview Road, Pinner HA5 4PE

- 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 Justin Burns against the decision of Harrow Council London.
 - The application Ref P/5534/18, dated 14 December 2018, was refused by notice dated 6 March 2019.
 - The development proposed is for a three-bedroom starter home on a brownfield site.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

(i) The principle of development in relation to whether or not the proposed dwelling would be within garden land.

(ii) The effect of the proposed development, by virtue of its design and location on the character and appearance of the immediate area.

(iii) The effect of the proposed development on the living conditions of the occupiers of the neighbouring properties with particular respect to privacy.

Reasons

3. The proposed development is situated on Hillview Road and close to the junction with Grimsdyke Road. This residential area consists of a mix of two-storey, semi-detached and detached properties. The rectangular plot is unmanaged, overgrown with vegetation and surrounded on three sides by a high wooden fence and on the fourth by a high hedge.
4. The proposal would construct a two-storey, three-bedroom, detached dwelling with car parking on this empty area of land.

Principle of Development on Garden Land

5. It is acknowledged by both parties that this land was originally gardens belonging to Nos 28 and 30 Grimsdyke Road. It was evident from my visit that this was the case. There were crazy paved and hardstanding areas within the plot, and it was adjacent to a dropped kerb on the highway, indicating it had been used for vehicular access in the past. However, there was no clear evidence to suggest what use this related to.

6. The site has not undergone any lawful change of use and is therefore still considered as garden land. The Local Planning Authority's (LPA) Garden Land Development¹ Supplementary Planning Document (SPD) states that garden land also includes any land that formed part of a garden, but which has been legally and/or physically severed from the donor property(ies) as in this case. It goes on to say that this definition also includes any hardstandings, outbuildings and other structures located on the garden land.
7. It is also apparent that this proposed development site would not meet the criteria of a gap site, as set out in this SPD. This land was originally part of the rear gardens of Nos 28 and 30 Grimsdyke Road and not an anomalous gap within a built-up street frontage.
8. Therefore, it is clear that this plot of land is defined as garden land and that this proposal does not comply with the principle of development and would be inappropriate. Consequently, it does not comply with policy 3.5A of The London Plan², policies CS1.A and CS1.B of the Core Strategy³ and the adopted Supplementary Planning Document: Garden Land Development. These state that garden development will be resisted.

Character and Appearance

9. Properties in the local area vary in character and style. However, the proposed dwelling would have a flat roof to the front half of the house, at a considerably lower level to the neighbouring properties. This roof form would be at odds and out of character within the local streetscene, where all other houses have pitched, hipped and/or gable ends to the street frontage.
10. Furthermore, the inclusion of a large and incongruous chimney and oriel bay window to the front elevation would fail to allow this development to appropriately relate with the local character. These visually prominent features would unacceptably dominate the proposed dwelling and, in turn, the surrounding streetscene.
11. The LPA refers to this development failing to follow the established pattern of development, as it would be on a site half the size of most plots in the immediate vicinity. Whilst acknowledging that the proposed site is smaller, the width of the proposed property and its situation within the plot would be similar to other existing properties on Hillside Road. Whilst its location would not detract from the character of the street frontage, this would not outweigh the harm I have identified previously.
12. I conclude that due to its unsympathetic design this development would be contrary to policies 7.4B and 7.6B of The London Plan, policy CS1B of the Core Strategy, policy DM1 of the Local Plan⁴, and the Residential Design Guide⁵ and the National Planning Policy Framework. Together, these necessitate the sympathetic design in relation to the local public realm.

¹ Harrow Local Plan, Supplementary Planning Document, Garden Land Development; 2013.

² The London Plan, The Spatial Development Strategy for London Consolidated with Alterations Since 2011; March 2016.

³ Harrow Council Core Strategy; February 2012.

⁴ Harrow Council Development Management Policies; July 2013.

⁵ Harrow Council Local Development Framework, Residential Design Guide, Supplementary Planning Document; December 2010.

Living Conditions

13. There would be a generous window to window distance, between the proposed property and Nos 28 and 30 Grimsdyke Road. Therefore, privacy for the occupiers within these dwellings would be acceptable. However, the two large, first floor bedroom windows to the side of this proposed dwelling would overlook the gardens of these properties. The existing fencing and hedging would fail to prevent overlooking of these garden areas.
14. I also consider that a planting screen as proposed by the appellant, would not provide a suitable solution to this issue. The size of the proposed garden would not allow sufficient height of the vegetation to screen views, without obscuring the outlook for the future occupiers of this proposed dwelling.
15. The excessive size and position of these windows would lead to a loss of privacy of the occupiers of the neighbouring gardens. This would be contrary to policy 7.6B of The London Plan, Policy DM1 of the Local Plan and the Residential Design Guide. These require development to have regard to neighbouring occupiers.

Conclusion

16. For the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR