
Appeal Decision

Site visit made on 9 September 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2019

Appeal Ref: APP/M5450/W/19/3232502

34 Culver Grove, Stanmore HA7 2NW

- 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 FPG (UK) Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1585/19, dated 2 April 2019, was refused by notice dated 28 May 2019.
 - The development proposed is demolition of a garage and erection of a single dwelling of 4 bedrooms on land next to 34 Culver Grove.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Within the information before me, references have been made to the draft London Plan (2017). Whilst I have had regard to these, their weight in my decision has been limited on account of the modifications in 2019, and that of the Panel report findings.

Main Issues

3. The main issues in this appeal are:
 - Whether the location of the development is acceptable;
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposed development would provide acceptable living conditions for future occupants; and
 - The effect of the proposed development on the living conditions of the occupants of No.34 Culver Grove, with reference to outlook, light and overshadowing.

Reasons

Location of development

4. The appeal site forms part of the side garden area of No.34 Culver Grove, a corner plot adjoining Charmian Avenue, and would involve the demolition of an existing garage to facilitate a new dwelling. Policy CS1(A) of the Harrow Core Strategy (HCS), 2012 directs new development to town centres and strategic

- previously developed sites. Policy CS1(B) of the HCS, resists development that would harm the character of suburban areas and development within garden sites.
5. The appellant maintains that the site is not garden land but the Harrow Local Plan, Supplementary Planning Document, Garden Land Development (GLDSPD), 2013 sets out the presumption against garden land development to ensure the Borough's housing growth is delivered and provides definitions of garden land. Policy 3.10 of the GLDSPD considers exceptions, including gap sites within a built-up-street frontage but specifically identifies that side gardens, corner sites and side garages/driveways would not constitute exceptions to this policy. The proposed development would therefore result in an unacceptable incursion of existing residential garden land.
 6. Furthermore, the National Planning Policy Framework (the Framework), paragraph 70 states '*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*'. It also includes the definition of previously developed land; this excludes land in built-up areas such as residential gardens. The Council's policies and advice are therefore in general accordance with the Framework which resists inappropriate development on garden land.
 7. In arriving at this conclusion, I have taken into account the appeal decisions^{1 2} referred to. Whilst recognising that the character of the area was different there are many parallels in regard to development on garden land and the development plan policy. My conclusion on the main issue is consistent with those decisions.
 8. I therefore conclude that the principle of the proposed development located on residential garden land would be unacceptable. It would be contrary to Policies CS1(A), CS1(B) of the HCS, 2012 and Policy 3.5A of The London Plan, 2016, which restrict development on garden land. It would also be contrary to the advice set out within the GLDSPD, 2013 where there is a presumption against residential development on garden land.

Character and Appearance

9. The appeal site is within a predominantly residential area with properties characterised by semi-detached dwellings within substantial plots and have hipped roofs and features incorporating bay windows with projecting gables. The proposed development would create a two-storey detached dwelling. Although it would be of similar appearance and features to those properties nearby, it would have an excessively long projection directly adjacent to the boundary of Charmian Avenue. It would also have a substantial depth of two storeys to the rear and combining this with the width of the first floor being more than half the width of the proposed dwelling it would result in a bulky appearance and would appear as a dominant and incongruous dwelling when viewed from both Culver Grove and Charmian Avenue to the detriment of the street scene and wider area. I would disagree with the appellant's contention that the first floor would be flush with the front and rear building line of the adjacent No.34.

¹ Appeal Decision APP/M5450/W/18/3214783

² Appeal Decision APP/M5450/W/18/3205517

10. Furthermore, due to the overall size and scale of the proposed dwelling within the plot, it would appear disproportionate when compared to the adjacent dwellings at No.34 and No.36. There would only be a small gap between No.34 and therefore the proposed dwelling would appear dominant and overpowering to their existing form and relationship. It would introduce a visually cramped form of residential development at the site, which would cause harm to the character of the immediate and wider street scene.
11. I conclude that the proposed development would cause significant harm to the character and appearance of the area. It would be contrary to Policy CS1(B) of the HCS, 2012, Policy DM1 of the Harrow Council, Development Management Policies (HDMP), 2013 and Policies 7.4B and 7.6B of The London Plan, 2016. These Policies taken together seek development is of high-quality design, layout, and creates a positive relationship with its surroundings and resists development which is detrimental to local character and appearance. It would also be at odds with the guidance, design and layout for new residential development within the Supplementary Planning Document, Residential Design Guide (RDGSPD), 2010.

Living conditions of future occupiers

12. The Technical housing standards – nationally described space standards (THS), 2015 sets out the gross internal area (GIA) required for dwellings and storage requirements. The evidence before me indicates that bedroom 1 and bedroom 4 would fall below the standards required to provide one bed space as a single bedroom and that no internal storage would be provided. It would therefore fall below the standards and create cramped and substandard bedrooms, whilst having no storage provision to the detriment of living conditions of future occupiers.
13. I have had regard to the appellant's arguments that the ground floor would provide very spacious and useable family space as well as the point made that the appeal scheme would result in a minor shortfall. Further, I have also noted the suggestion that the proposal should be favourably compared to the development carried out at No.34. However, these arguments do not overcome the harm I have found above and that the THS requires compliance with space standards for new dwellings and not existing. The justification for requiring space standards³ and its needs⁴ in new dwellings is set out within the National Planning Policy Guidance.
14. For the reasons given above, I conclude that the proposed development would not provide acceptable living conditions for future occupants. It would be contrary to Policy DM1 of the HDMP, 2013 and Policies 3.5C and 3.8B of The London Plan, 2016, which sets out the provisions to provide suitable living standards. It would also be in conflict with guidance contained within the Councils RDGSPD, 2010, The London Plan, 2016 Supplementary Planning Guidance: Housing and the standards contained within the THS, 2015.

Living conditions of existing occupiers

15. The proposed development would be in close proximity to the existing dwelling at No.34. Although it would replace an existing single storey garage structure,

³ Paragraph: 018 Reference ID: 56-018-20150327

⁴ Paragraph: 020 Reference ID: 56-020-20150327

this does not project further back into the garden and only represents a small proportion of the footprint which would be replaced by the proposed development. The design of the proposed rear single storey would project considerably further than the rear elevation of No.34, directly along the boundary. Combining this with the small gap between the two dwellings and its proposed height, the proposal would appear oppressive, overbearing and visually intrusive, particularly when viewed from both the rear ground floor window of the kitchen and garden area of No.34. This would have an unacceptably harmful effect on the outlook enjoyed by existing occupiers, which is currently free from any built form.

16. Whilst the positioning of the single storey extension directly along the boundary together with its projection and height, would cause some overshadowing and loss of light directly to the kitchen window at No.34, this would not be significantly harmful due to the size of the existing kitchen opening and the presence of additional openings.
17. The appellant contends that no adverse impacts would occur and No.34 could carry out similar rear extensions without the need for planning permission. Whilst this may be the case, the proposed single storey element projects rearward by a significant length directly along the boundary and where there is currently no built form.
18. For the reason given above, I conclude the proposed development would harm the existing living conditions of No.34 Culver Grove. It would be contrary to Policy DM1 of the HDMP, 2013 and Policy 7.6B of The London Plan, 2016, taken together ensure development does not cause unacceptable harm to the amenity of surrounding land and buildings, particularly in regard to overshadowing, the visual impact of development when viewed from within buildings and outdoor spaces and any impact on neighbouring occupiers. It would also be at odds with the guidance for design and layout for new residential development within the RDGSPD, 2010.

Other Matters

19. The appellant refers to the Framework and that it is supportive of positive planning and ensuring that land is viable as a resource and is put to best use. Whilst this may be the case, it is not without caveats, including that developments are sympathetic to local character and provide a high standard of amenity for existing and future users.
20. I have been referred to other developments, in particularly on Charmian Avenue. However, I do not have full details of these schemes and so cannot be certain that the circumstances are the same. In any event, those that I saw do not change the prevailing character of the area in order to justify the development before me. In any case I have considered the appeal proposal on its own merits.
21. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, be within a sustainable location and the contribution any future occupiers would make to the local economy. These matters, however, do not outweigh my findings above in respect of the main issues and the conflict I have found with the development plan.

Conclusion

22. I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR