



Appeal Decision

Site visit made on 11 November 2019

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 November 2019

Appeal Ref: APP/M5450/D/19/3225229

16 Brookshill Avenue, Harrow, HA3 6RZ

- 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 Kamlesh Gohil against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4985/18, dated 12 November 2018, was refused by notice dated 10 January 2019.
 - The development proposed is single storey part rear, two storey side and part rear with front porch extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt and Green Belt purposes;
 - The effect of the proposal on the character and appearance of the host dwelling and surrounding area; and
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal site comprises of a two-storey semi-detached dwelling sited along the northern side of Brookshill Avenue adjacent to a junction leading to other properties within Brookshill Avenue. The host dwelling has an existing two-storey rear addition and a detached garage to the site. The appeal site is situated within the Green Belt.
4. By virtue of paragraph 145 of the National Planning Policy Framework (the Framework) construction of new buildings in the Green Belt is inappropriate subject to a number of specified exceptions one of which is the extension or

alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

5. Whilst the Council's policies do not specify a percentage increase in size which would be considered appropriate, the delegated report states that as a 'rule of thumb' an increase of approximately 20-30% over the footprint, floorspace and volume of the original dwelling house is generally acceptable.
6. The Council's figures contained in the delegated report indicate that the proposed extensions would amount to a net increase in the footprint compared to the original dwelling of 226.46% and a net increase in the floorspace of 270.9%. These figures are not disputed by the appellant.
7. The proposal would represent a very substantial increase in the overall size of the original building. It cannot reasonably be considered on any view that the appeal scheme would not result in a disproportionate addition over and above the size of the original building.
8. I conclude, therefore, that the appeal proposal would represent a disproportionate addition over and above the size of the original building and that the exception set out at paragraph 145 c) is not met. The proposal is, therefore, inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt and Green Belt Purposes

9. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. The essential characteristics of Green Belts are their openness and their permanence and the fundamental aim of Green Belt policy is to keep land permanently open.
10. Although the proposed extensions would be within the curtilage of the existing property and the existing garage would be demolished, the footprint of the original dwelling house would be substantially increased. The significant increase in the footprint and consequent mass and bulk of the building, would inevitably lead to a loss of spatial openness.
11. As the existing garage is single storey, views over and above the garage are available to the properties to the rear and to the sky and vegetation beyond. The significant increase in the mass and bulk of the dwelling would result in the filling of the gap above the existing garage and a consequential loss of visual openness. Due to the location of the appeal property at a junction, the mass and bulk of the side and rear elevations would also be readily visible from the street. The proposal would, therefore, conflict with the fundamental aim of keeping land permanently open.
12. The proposal would extend the built form of the original dwelling; however, whilst this would result in a significant reduction in the openness of the site, the proposal would not extend beyond the existing boundary or the existing urban form which surrounds the site. Accordingly, any harm to the first Green Belt purpose of checking the unrestricted sprawl of large built-up areas would be limited to increasing the physical and visual density of development on the site. Any harm to the first Green Belt purpose would, therefore, be very limited. Furthermore, there is no evidence before me that conflict would arise with the other Green Belt purposes.

13. I therefore conclude that the proposal would harm the openness of the Green Belt. Furthermore, there would be very limited harm to the Green Belt purposes. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.
14. The proposal would, therefore, be contrary to Policy 7.16 of the London Plan (2016) which states that inappropriate development in the Green Belt should be refused, except in very special circumstances. Conflict also arises with Policy CS1.F of the Harrow Core Strategy (CS) (2012) and Policy DM 16 of the Harrow Development Management Policies (DMP) (2013) which seek to ensure that the openness, quantity and quality of the Green Belt is maintained and not eroded by inappropriate uses.

Character and appearance

15. The Council have not raised concerns regarding the proposed porch and from everything which I have seen in submissions and on my site visit; I have no reason to disagree. The proposed two storey extension would be set back from the main front wall by around 1.35m and lower than 500mm from the roof ridge in accordance with the Council's Design and Layout Guidance for Householder Development Supplementary Planning Guidance (SPD) in relation to two-storey side extensions. Due to the location of the property, the proposal would not result in a terracing effect.
16. Nonetheless, the proposed extension would wrap around the rear of the house and project more than 7m beyond the original rear wall of the house, exceeding the depth of the original house. Furthermore, the width of the rear elevation would significantly extend beyond the existing side wall of the house. I acknowledge that the single-storey extension would not be much larger than that which could be erected under permitted development rights. However, taken together with the proposed wrap-around two-storey extension the proposal would result in an extension of significant mass and bulk which would dominate the host property, contrary to paragraph 6.11 of the SPD. Whilst no higher than the existing roof, the proposed dual pitched roof would be at odds with the character of the existing house and emphasise the significant mass and bulk of the proposal, contrary to paragraph 6.64 of the SPD.
17. There is a modest fence which defines the boundary of the property; however, due to the two-storey nature of the proposal and the position of the property at the junction of the access road which serves the properties to the rear, the significant mass and bulk of the extension would be readily apparent in the street scene.
18. Attention is drawn to a number of properties in the street which have been extended. The extension at number 29 Brookshill Avenue is significantly smaller and does not include a two-storey side extension. The application reference quoted by the appellant at No 38 Brookshill Avenue relates to a smaller, single storey extension. The case at No 14 Brookshill Avenue would be significantly smaller than the appeal proposal.
19. The application quoted at No 18 Brookshill Avenue is also much smaller and relates to a two-storey extension to the side, but only a single storey extension to the rear which does not appear to have been implemented. Although there appears to be an existing two storey rear extension; the circumstances of this are not before me.

20. There is a two-storey side to rear extension at No 40 Brookshill Avenue and No 22 Brookshill Avenue; however, no details of these cases have been provided and I cannot, therefore, be certain that they were decided in the same planning policy context. None of the other examples set out in the photographs relate to wrap around two-storey side and two-storey rear extensions. Consequently, none of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
21. For the reasons stated above, I conclude that the proposal would harm the character and appearance of the host property and the surrounding area. It would, therefore, be contrary to Policies 7.4B and 7.6B of the London Plan (2016), Policy CS1.B of the Core Strategy, Policy DM1 of the DMP and the SPD which collectively seek to ensure that development is of a high quality which respects local character. Conflict also arises with paragraph 127 of the Framework which seeks to ensure that development is visually attractive and sympathetic to local character.

Other considerations

22. Paragraph 143 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
23. The appellant does not specifically advance very special circumstances in support of his case. Nevertheless, I acknowledge that the proposal would provide extended living accommodation for the appellant and his family; however, there would not be wider public benefits. The proposal would make efficient use of land albeit within the boundary of the existing residential property; however, it would harm the character and appearance of the host property and surrounding area.

Conclusions

24. Whilst there may be some benefits of the proposal in terms of providing extended living space for the appellant and making efficient use of land, I consider that the substantial weight to be given to Green Belt harm is not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate very special circumstances.
25. I have found that there would be a loss of openness to the Green Belt; very limited harm to Green Belt purposes; and harm to the character and appearance of the host property and surrounding area and harm to the Green Belt by reason of inappropriateness. There are no other considerations that clearly outweigh the harm I have identified and that the very special circumstances necessary to justify the development do not exist.
26. The proposal would, therefore, be contrary to Policies 7.4B, 7.6B, 7.16 of the London Plan (2016), Policy CS1 of the CS, Policies DM1 and DM16 of the DMP, the SPD and the Framework.

Caroline Mulloy

Inspector