



Appeal Decision

Site visit made on 26 November 2019

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/M5450/D/19/3237762

116 Elms Road, Harrow Weald, Harrow, HA3 6BT

- 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 & Mrs S Hutchinson against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2663/19, dated 12 June 2019, was refused by notice dated 8 August 2019.
 - The development proposed is described as 'gates and wall'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application was accompanied by Drawing 1478/01 (June 2019). For the purposes of the appeal this has been updated with measurements as Drawing 1478/02 (June 2019) and I have therefore taken this into account. Based on observations from the site visit, trees appear most accurately drawn on the 'Arboricultural Impact Assessment' (AIA) ('Arbtech AIA 01', September 2019), and I have also taken this into consideration.
3. At appeal a new Tree Survey (Arbtech, 3 September 2019), an Arboricultural Impact Assessment (drawing Arbtech AIA 01, September 2019), a Tree Constraints Plan (drawing Arbtech TPP01, September 2019) and an Arboricultural Method Statement (Arbtech, 23 September 2019) have been submitted. The Council has not objected to the procedure selected, which does not enable it to comment on these documents, but I have nonetheless taken them into account.

Main Issue

4. The effect of the proposal on the character and appearance of the area, with particular regard to (i) the size and materials of the proposed structure (ii) trees on the site.

Reasons

Character and Appearance

5. Elms Road is a leafy carriageway in a suburban residential area. Houses are of variable age and style but are typically detached and set back from the road beyond a pavement, driveway and garden. Front boundary treatments are

generally mature hedgerows or low walls and open driveways, with occasional higher walls and railings. A minority of these were observed to have tall or metal gates.

6. The proposal is for installation of a low brick wall interspersed with brick pillars to 1.8m height, infilled with iron railings and an adjacent iron gate of 1.6m height. The development would be 13.4m wide in total. I note occasional examples of similar structures nearby, but for the purposes of maintaining character and appearance, paragraph 4.44 of the Harrow Residential Design Guide Supplementary Planning Document (adopted 2010) (SPD) expects boundary materials to reflect those prevailing in the area, which this proposal is not considered to do. Nor do I consider that, given the untypical bulk and form of the proposals, they contribute positively to local character, as required by Policy 7.4 of the London Plan (2016).
7. Based on the height, width and materials of the proposed structure, the final structure would convey a sense of severance and defensiveness when viewed from the public highway, in conflict with paragraph 4.44 of the SPD. Paragraph 4.45 of the SPD specifically states that the use of high railings and gates will be unacceptable, and the use of green boundaries is encouraged; the proposals are therefore contrary to the SPD guidance, a material consideration to which I attach substantial weight.

Trees

8. There are several trees protected by Tree Preservation Orders immediately adjacent to the proposed structure, including neighbouring trees that overhang the boundary. Frequent mature trees are characteristic of the area and as a group the trees on and adjacent to the site have significant amenity value and contribute positively to the appearance of the road.
9. Circular Root Protection Areas (RPAs) are shown on drawing 'Arbtech AIA 01' and indicate the RPA of at least four nearby trees will be intercepted by the development. According to BS 5387:2012 default structures should be located outside the RPAs, unless there is overriding justification. This is not explicitly addressed by the applicant, but I consider that it is entirely reasonable to desire a front boundary. However, no justification for specific choices relating to design, materials or location is presented to consider overriding reasons why the structure should be placed in the RPAs.
10. The AIA and Method Statement advise sensible precautions, good practice and foundation structures intended to minimise tree root harm. However, working in such close proximity to trees inevitably carries substantial risk to tree health, such that I cannot be confident that the long-term vitality of the trees would not be compromised. In view of the significant contribution that the trees make to public amenity and the character and appearance of the area, I conclude that the risk to the trees amounts to conflict with Policy DM22 of Harrow Council's Development Management Policies (July 2013) and Policy DM1, which requires that natural features of merit, including trees, should be retained or enhanced.

Other Issues

11. I acknowledge the concerns of the appellants regarding security and litter, but consider other, less obtrusive boundary solutions are likely to be available. I

appreciate that privacy would be obtained through construction of a high fence and gate, but I do not consider that this outweighs the harm to the street scene.

Conclusions

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

B Davies

Inspector