
Appeal Decision

Site visit made on 4 February 2020

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2020

Appeal Ref: APP/M5450/D/19/3242277

34 Berry Hill, Stanmore HA7 4XS

- 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 Chetan Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3137/19, dated 13 July 2019, was refused by notice dated 24 October 2019.
 - The development is a garden shed.
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Decision

1. The appeal is allowed and planning permission is granted for a garden shed at 34 Berry Hill, Stanmore HA7 4XS in accordance with the terms of the application, Ref P/3137/19, dated 13 July 2019, and the plans submitted with it, namely Location Plan, Site Plan and plan reference 1534/1/4 Rev P2.

Preliminary Matter

2. At the time of my site visit the development had already taken place. I have considered the appeal on that basis.

Main Issue

3. The effect of the development on the character and appearance of the area.

Reasons

4. The Council's delegated report refers to the Harrow Residential Design Guide Supplementary Planning Document (SPD), and quotes from paragraph 6.78 which provides guidance relating to the siting, size and design of outbuildings. The delegated report concludes 'The outbuilding in terms of its size and height is considered to be appropriate and compliant with paragraph 6.78 of the SPD'. Based on the evidence before me I see no reason to take a different view.
5. The shed is located within a group of trees which forms part of a landscaped belt that runs along the bottom of the gardens in this row of houses. There is disagreement between the parties as to whether or not any trees were felled in order to make way for the shed.
6. Aerial photographs of the appeal site show the tree canopy occupying the full width of the bottom of the back garden. At the time of my site visit this was still the case. Whilst the undated aerial imagery from Bing shows more extensive soft landscaping than there was when I visited, some vegetation on

that image appears to be lower level shrubs rather than trees. I note a letter from a neighbour refers to the removal of shrubs from this area. There is insufficient evidence before me to demonstrate that trees have been removed.

7. In any event, I note that the trees are not covered by a tree preservation order and the site is not in a Conservation Area which would afford them protection. The Council refers to Condition 9 of the planning permission for the housing development in which the appeal property is located (Ref P/786/96/FUL). However, that condition refers to 'the existing trees on the site' at the time of the permission, whereas it seems from the submitted aerial imagery that the tree belt at the bottom of the gardens was planted subsequently, as part of the housing development, and so would not be subject to the same controls.
8. Neighbours have referred to controls within the original planning permission and associated Section 106 agreement which prevent building within this strip of trees. I can find no such controls in the copies of these documents submitted by the Council. Whilst individual title deeds may refer to the protection of trees and shrubs in this area, I have not been provided with copies of these deeds and, in any event, that would be a civil matter outside planning control.
9. What was clear from my observations on site is that the shed is a modest timber building which is visually unobtrusive in this verdant setting. It nestles neatly beneath the canopy and does not erode the landscape value of the area.
10. I have considered the Council's argument that the grant of planning permission would set a precedent for other similar developments, but each application and appeal must be determined on its individual merits. A generalised concern of this nature does not justify withholding permission in this case.
11. For the reasons set out above I conclude that the development does not have a harmful effect on the character and appearance of the area and accords with the landscape and design aims of London Plan Policies 7.21, 7.4 B and 7.6 B, Core Policy CS1(B) of the Harrow Core Strategy, Policies DM 1 and DM 22 of the Harrow Development Management Policies Local Plan, the SPD and the National Planning Policy Framework.

Other Matters

12. The next door neighbour at 32 Berry Hill also objected to the appeal scheme on the grounds of overlooking. The shed is situated towards the end of the back garden and faces the rear of the host property. It has a low rise form and there is a fairly substantial boundary fence between the gardens. Opportunities for overlooking are therefore extremely limited and I find no harm in this regard.

Conditions

13. The development has been carried out and I do not consider any conditions are necessary. However, in the interests of certainty, in the formal Decision above I have referred to the plans on which my decision was based.

Conclusion

14. For the foregoing reasons I conclude that the appeal should be allowed.

CL Humphrey
INSPECTOR