



Appeal Decision

Site visit made on 9 March 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2020

Appeal Ref: APP/M5450/W/19/3242436

St David's, Pinner Hill, Pinner, HA5 3XU

- 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 T Carey against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/3697/19 dated 22 August 2019, was refused by notice dated 17 October 2019.
 - The development proposed is for the demolition of the existing property known as St David's, Pinner Hill, Pinner, HA5 3XU and its replacement by a new two-storey four-bedroom property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - whether the proposed development would preserve or enhance the character or appearance of the Pinner Hill Estate Conservation Area and the Harrow Weald Ridge Area of Special Character;
 - the effect of the proposed development on the biodiversity of the area;
 - the effect of the proposed development on trees; and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. St David's is a substantial two-storey detached house set within a large plot. It is set back several metres from its front boundary with Pinner Hill, a residential street of large detached houses within large plots. To the rear it adjoins a park and golf course. The house has various single-storey additions including a

garage and a small conservatory. The house is located within the Metropolitan Green Belt, within the Pinner Hill Estate Conservation Area (PHECA) and the Harrow Weald Ridge Area of Special Character (HWRASC).

Inappropriate development

4. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a limited number of exceptions as set out in paragraph 145 of the National Planning Policy Framework (the Framework). One of the exceptions is d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Neither the Framework nor the local plan define 'materially larger'. It is assessed on a case by case basis, taking into account factors such as footprint, floorspace, volume, height, mass and bulk.
5. There is some dispute between the parties regarding the dimensions of both the existing dwelling and the proposed development. Both parties agree the existing house has a footprint of 149 sq.m. Taking the appellants' figures, the volume of the existing house is 854 cu.m. The proposed replacement dwelling would have a footprint of around 203 sq.m and a volume of 1,480 cu.m. On the basis of these figures, the proposed dwelling would increase the footprint of the house by approximately 36% and the volume by 73%.
6. Accordingly, when considered against the existing dwelling, the replacement dwelling would be materially larger and therefore would be inappropriate development, which is, by definition harmful to the Green Belt.

Effect on the openness of the Green Belt

7. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. Openness is the absence of development and has both spatial and visual effects.
8. In spatial terms, the proposed replacement house would significantly increase both the footprint and the volume of the existing dwelling. This increased space occupied by buildings would erode openness. Furthermore, the proposed house, due to both its increased size and bulk and its position within the plot closer to the relatively open front boundary to Pinner Hill, would be significantly more visually prominent than the existing house.
9. I conclude that the appeal proposal would result in a significant loss of openness thereby causing significant harm to the Green Belt. Therefore, it would be contrary to the objectives of the Framework.

Character and appearance

10. The site, which lies within the PHECA and the HWRASC, is characterised by individual detached houses within substantial plots which contribute to the spacious layout and density of development, giving the area an almost semi-rural character. There is no single style of architecture within the estate with houses following a range of architectural styles, but most properties are characterised by the use of high-quality materials and enclosure by dense vegetation. This variety and the spacious and verdant character of the area contribute to the significance of the PHECA. This is set out in the adopted

Supplementary Planning Document (SPD) Conservation Area Appraisal and Management Strategy Pinner Hill 2009 (CAAMS).

11. St David's is a detached house set within a large plot, typical of properties within the PHECA. The house is positioned towards the northern boundary of the site, next to Cervantes and the garden slopes down from it towards Willow Mead. The house is visually prominent due to its elevated position within the plot and the sparse vegetation along its boundary with Pinner Hill. The house itself is an Arts and Crafts style of property featuring traditional vertically hung clay tiles, tall and prominent chimneys, multi-paned windows, a steeply pitched cat-slide roof extending across its width along its northern elevation and an asymmetrical form which, despite the substantial size of the house, give it an informal, cottage feel. It is identified as one of the older properties within the PHECA and forms a small group with other Arts and Crafts properties clustered around the entrance to the estate. Whilst I note that the loss of the existing house was not explicitly given as a reason for refusal for a previous scheme, I must consider the scheme before me on its own merits.
12. The house, due to its siting within a substantial plot, and being of a traditional form and architectural style found within the PHECA, makes a positive contribution to the significance of the conservation area. Whilst the house has been subject to previous unsympathetic extensions in non-matching brickwork, these are small in scale in comparison to both the property itself and other properties within the PHECA. As such, St David's survives as a relatively intact Arts and Crafts building which adds to its contribution to the importance of the PHECA. Furthermore, although the general appearance of the property gives it a slightly run-down appearance, there is nothing before me to suggest that the materials of the building are lesser in quality than those of other similar properties within the PHECA.
13. The house, through its contribution to the inherent nature of the area and its visual appearance, contributes positively to both the character and the appearance of the conservation area. When considered in isolation, its loss would therefore harm both the character and appearance of the conservation area. However, the proposed development would replace this house with another house, and I turn now to consider the merits of the proposed replacement.
14. The proposed house would be a detached house within a large plot. It would be orientated with its main entrance in the front elevation towards Pinner Hill. This elevation would feature a cat-slide roof over the porch and front hallway which would give the new house an asymmetrical appearance when viewed from this side. The northern section of the proposed building would have a more regular appearance with two-storeys and a hipped roof and would be significantly more bulky than the existing building. This elevation of the building, being set away from the boundary with Cervantes, would be apparent from the street. The prominent southern elevation of the building would face onto the garden area and would be visible from Pinner Hill. It would feature double height angled bay windows either side of a central box bay window.
15. The proposed house would reference the Arts and Crafts style of the original dwelling in the use of vertical hung clay tiles, tall chimneys, multi-paned windows and a cat-slide roof. The design of the building is neither unattractive nor unrelated to the Arts and Crafts style. However, its strongly symmetrical

appearance and large areas of glazing notably to its southern façade with its traditional hipped roof would be out of character with the informal style characteristic in the Arts and Crafts style.

16. Consequently, the new dwelling because of its scale, form and appearance, even though it would have a similar ridge height to the existing house, would appear visually prominent and discordant with the surrounding Arts and Crafts development. This would harm the appearance of the conservation area. Although there are other architectural styles along Pinner Hill, including the adjacent property, Cervantes, which is of an entirely different design, the proposed house would not compensate for the loss of the original house on the site.
17. Whilst the proposed house would be orientated so that its principal elevation would be towards the street similar to some of the other properties locally, the orientation of buildings is not a prominent feature within the PHECA. The footprint of the building, whilst large, would not be dissimilar to other properties along Pinner Hill and it would not therefore be out of character. The widening of the gap between the appeal property and Cervantes would improve the space between neighbouring properties and would enhance this strong characteristic of the PHECA. However, these factors do not overcome the harm to the character and appearance I have identified.
18. As such, the proposal would fail to preserve or enhance the character or appearance of the PHECA and would harm its significance. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
19. The harm the proposal would cause to the significance of the conservation area would be significant though less than substantial. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
20. The proposed development would provide enlarged accommodation for the appellants. However, this is a personal benefit. No public benefits from the scheme have been forwarded by the appellants although I note that it is proposed to improve the landscaping to the front elevation. However, these public benefits are very limited and do not outweigh the less than substantial harm that I have found.
21. In view of this, I conclude that the proposed development would not preserve or enhance the character or appearance of the PHECA and the HWRASC. It would therefore also conflict with Policies 7.4, 7.6 and 7.8 of the London Plan, Policies CS1 and CS6 of the Core Strategy and Policies DM1, DM6 and DM7 of the HDMP. These policies, together and amongst other things, seek development that is of a high quality of design that respects local character, conserves the significance of heritage assets and safeguards the special character of Pinner Hill and the historic features that contribute to the area of special character. It would also conflict with the heritage objectives of the Framework. It would also not accord with the guidance within the CAAMS which seeks to ensure that the character of the PHECA is preserved and enhanced.

Biodiversity

22. Policy 7.19 of the London Plan sets out that proposals that would affect a site of recognised nature conservation interest either directly or indirectly, should firstly seek to avoid adverse impact to biodiversity interest and then minimise impact and seek mitigation. Policy DM20 of the HDMP resists proposal that would be detrimental to locally important biodiversity and seeks to ensure that new development avoids potential impacts or provides appropriate mitigation.
23. The appeal site is a large area of garden land which adjoins the Pinnerwood Park and Ponds Site of Interest for Nature Conservation (SINC) which is categorised as a Grade I site and strategically important for biodiversity. The Council's biodiversity officer has indicated that the large mature garden of the appeal site, directly adjacent to the SINC, is likely to be of relatively high wildlife value in its own right.
24. Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances.
25. Irrespective of the fact that a similar scheme on this site was not refused on the basis of the absence of an ecological assessment, it is evident that a Preliminary Ecological Assessment to establish what species are present on site and to enable a scheme to be drawn up for their protection was requested as part of the pre-application advice for this scheme.
26. The proposal would result in disturbance to the site through the demolition of the existing house and the erection of a larger building on site. I consider, given the close proximity of the appeal site to the designated SINC and the likely biodiversity value of the appeal site itself, that an ecological survey and assessment should be undertaken. No such survey has been provided. I am therefore unable to determine the nature and extent of any impact and any measures required to mitigate any resultant harm.
27. In the absence of any ecological assessment of the site, I cannot be certain that the proposed development would not be harmful to the biodiversity of the area. This leads me to conclude that it would conflict with Policy 7.19 of the London Plan and Policies DM20 and DM21 of the HDMP. These policies together require new development to protect biodiversity and, where possible, seek opportunities for enhancement of biodiversity.

Trees

28. There are a number of trees on the appeal site which are protected as they are within the conservation area. The submitted drawings indicate areas of 'ground graded locally down' where it appears there would be some site levelling or excavation to accommodate the proposed development. The Council has indicated that the excavation works could involve a level drop of 1m for the proposed driveway and parking area. This area is in close proximity to a number of trees along the boundary between Cervantes and the appeal

site which contribute to both the character and appearance of the conservation area as well as biodiversity. Whilst the proposed house would be positioned further from this boundary, the ground works to create the parking and driveway could result in harm to the roots of these trees.

29. In the absence of an assessment of the trees on site and how these could be impacted by the proposed development, I cannot be satisfied that the trees would not be harmed. Whilst I accept that a condition requiring protection of trees would be appropriate in some circumstances, without any initial assessment of the trees having been undertaken it is not possible to establish whether protection of these trees would be achievable.
30. I therefore find that the proposal would conflict with Policy 7.21 of the London Plan, Policy CS1 of the Core Strategy and Policies DM21 and DM22 of the HDMP. These policies, together and amongst other things, seek to protect trees for their biodiversity value and contribution to the quality and character of London's environment.

Other considerations

31. The appellants have obtained a Lawful Development Certificate (LDC) for a detached single storey outbuilding. This development was allowed on appeal¹. A subsequent LDC² was approved by the Council for a larger outbuilding. Both these outbuildings would occupy the same area of garden and would be positioned to the south and downslope of the existing dwelling. The outbuilding is indicated to have an external footprint of 107.8 sq.m. This outbuilding would be ancillary to the main house and is shown to be used as a games room, with a snooker table and to provide garden storage. Due to its size and prominent position, I accept that it would have an impact on the openness of the Green Belt.
32. I accept that land values within the local area are high and given the restrictions on development arising from both the Green Belt and Conservation Area designations, alternative options to increase floor space are limited as to what can be achieved through permitted development. Nevertheless, the addition of this large outbuilding within the south facing garden area, would harm the character and appearance of the appeal property and would significantly diminish the outlook and attractive views of the garden that can currently be enjoyed from the house and patio area. Furthermore, the appeal proposal does not indicate the provision of any space for the types of activity associated with this outbuilding. I am therefore not persuaded that the outbuilding provides the appellants with the additional space that they are seeking.
33. Given the location of the LDC outbuilding scheme which would occupy an entirely different area of garden than the proposed house, there is nothing that would prevent implementation of both this outbuilding and the proposed house should permission be granted. In the absence of a mechanism to prevent the erection of the outbuilding which has the LDC, I cannot be certain that both schemes would not be implemented. This factor weighs against the scheme as a fallback.

¹ APP/M5450/X/17/3182064

² P/4388/18

34. The appellants have additionally obtained a LDC for a single-storey rear extension which was also allowed on appeal³ to the southern elevation. This would have a maximum height of 4m and an external footprint of 66.4 sq.m. This would extend the length of the two-storey part of the house. It is indicated to be a 'day room'.
35. This space would be attached to the dwelling and be more convenient and useful which adds weight to the prospect that it may be implemented. However, it would effectively remove windows from both the dining room and snug, which would be reliant on natural light to penetrate through this new room. It would also reduce natural light to both the kitchen and living room, especially sunlight. Furthermore, the outlook from these rooms would be significantly reduced as a result of the extension. Consequently, whilst the new extension would provide an open aspect and views right across the garden, the remaining rooms would have a limited outlook and would be rather dark.
36. If the extension were to be implemented it would increase the footprint and volume of the house which would reduce the openness of the Green Belt. Additionally, it would affect the character and appearance of the house although as a single-storey structure it would not be visually prominent and much of the existing character would be retained to all other elevations as well as to the first floor above the extension. However, for the reasons set out above, I am not persuaded that this is an alternative development that the appellants would be likely to pursue.
37. Whilst I recognise that the appellants are seeking to increase the size of their accommodation, for the reasons set out above, I consider the likelihood of either LDC schemes from being implemented is far from certain. In coming to this view, I have had regard to the High Court judgement *Gambone v Secretary of State for Communities and Local Government and Wolverhampton City Council*⁴. Consequently, I attach limited weight to the LDC schemes as an alternative to the proposed development.
38. A consolidated approach to the design of the appeal property could be better than the ad hoc permitted developments. It could have a less harmful impact on the openness of the Green Belt and could improve the gap between the appeal property and Cervantes. I give this limited weight. However, as I set out above, there is nothing to stop the appellant constructing the LDC outbuilding. On this basis, whether the outbuilding affects openness is a neutral factor.
39. The appellants have provided an assessment of the average footprint of other houses within their plots along the street. Notwithstanding that the resultant footprint within the site would be comparable, and indeed smaller, than other properties along Pinner Hill, this does not overcome the uplift in footprint and harm to openness that I have already identified. I therefore give this very little weight.
40. The scheme would include additional landscaping to the front of the site which would add to the verdant character of the area. This is a minor benefit of the scheme to which I give limited weight.

³ APP/M5450/X/17/3182067

⁴ Michael Mansell vs Tonbridge and Malling Borough Council & others [2017] EWCA Civ 1314, [2016] EWHC 2832 (Admin)

41. The proposed development would provide satisfactory accommodation. It would not cause harm to neighbouring occupiers or highway safety. I also note that the hardstanding area has been kept to a minimum. These factors are neutral.

The Green Belt Balance

42. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause significant harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 144 of the Framework.
43. In addition to my finding that the proposed development is inappropriate development I have identified that it would lead to significant though less than substantial harm to the PHECA and the character and appearance of the HWRASC. It would also lead to potential harm to biodiversity and trees. These factors weigh very heavily against the development.
44. The proposal would provide further landscaping and a consolidated approach to the design which could have a less harmful impact on openness and would provide a greater degree of separation from the adjacent property. It would also provide the private benefit of bespoke accommodation for the appellants. These minor benefits would have very little weight and would not outweigh the substantial harm to the Green Belt I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
45. As such the proposed development would be contrary to the Framework. It would also conflict with Policy 7.16 of the London Plan 2016⁵ (London Plan), Policy CS1 of the Harrow Core Strategy 2012 (Core Strategy) and Policy DM16 of the Harrow Council Development Management Policies 2013 (HDMP) which set out that the Green Belt should be protected against inappropriate development.

Conclusion

46. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

⁵ The Spatial Development Strategy for London consolidated with alterations since 2011