
Appeal Decision

Site visit made on 27 February 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2020

Appeal Ref: APP/M5450/W/19/3242185

Hillfield, Mount Park Road, Harrow, HA1 3JR

- 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 Vraj and Joshna Pankhania against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3887/19, dated 26 September 2019, was refused by notice dated 21 November 2019.
 - The development proposed is erection of an annexe in the garden, to enable multi-generational living (ancillary accommodation).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal was originally submitted as an appeal against the failure to reach a decision within the prescribed timescale. However, it subsequently came to light that the Council did issue a decision before the relevant deadline. The main issues in this appeal are therefore based on the reasons for refusal set out in the Council's decision notice. The appellant was given the opportunity to comment on the reasons for refusal in the course of this appeal.

Main Issues

3. The main issues are:
 - i) Whether the proposal is inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect on the openness of the Green Belt;
 - iii) The effect on the character and appearance of the area, which is located in the Mount Park Estate Conservation Area;
 - iv) The effect on the living conditions of existing residents, through noise and disturbance; and
 - v) If the development is inappropriate, 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 inappropriate development

4. The site falls within Metropolitan Open Land. Policy 7.17 of the London Plan (2016), cited on the Council's decision notice, states that such land should benefit from the same level of protection as the Green Belt. The National Planning Policy Framework ("the Framework") states that the construction of new buildings is inappropriate development in the Green Belt.
5. Paragraph 145 of the Framework permits the extension or alteration of an existing building as an exception to inappropriate development. However, the significant distance between the main residential building at Hillfield and the site of the proposal means that the proposed development would not meet the terms of this exception. None of the other exceptions to inappropriate development would be of relevance in this case. Consequently, the proposal amounts to inappropriate development in the Green Belt.

Effect on Openness

6. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The absence of development on the site of the proposed building means that it has an open appearance. By contrast, the new building would have a significant volume. In consequence there would be a loss of openness in the Green Belt. I attach significant weight to the harm that would arise, in consequence.

Character and Appearance

7. The proposed building is described as an annex. It would sit within the garden of Hillfield and would not have an independent access to the road. The occupation of the proposed building could be tied to Hillfield through planning conditions. This means that it would remain part of the planning unit associated with Hillfield, there would be no subdivision of the wider garden.
8. The site is in the Mount Park Estate Conservation Area. This is a collection of large detached buildings, many in an Arts and Crafts style. They are generally of a high architectural quality, benefitting from spacious gardens with mature vegetation giving the area a particularly verdant character. These elements contribute to the special character and significance of this Conservation Area. This is reflected in the Supplementary Planning Document - Harrow on the Hill Conservation Areas (2008) and the Mount Park Estate Conservation Area Appraisal and Management Strategy (2008) (hereafter referred to as "the Conservation Area SPD's").
9. Hillfield is of particularly high architectural quality, reflected in its designation as being locally listed¹. It is built in an Arts and Crafts style in red brick; exhibiting steeply pitched roofs and timber casement and sash windows with small panes. There appear to have been a number of additions to the main building over the course of time. These are sympathetic in design and add to the overall attractiveness of the building, giving it a rambling appearance.
10. The annex would be set well away from the existing house at Hillfield and the road, being screened in views from the surrounding area by vegetation. The

¹ As cited in the planning officers report

total amount of garden land that would be lost is negligible in the context of the wider site. Consequently, the spacious, verdant garden setting enjoyed by Hillfield would not be compromised by this proposal.

11. The proposed building would replicate many of the design features associated with Hillfield, including a steeply pitched roof and small pane windows. At 1.5 storeys in height it would be considerably lower in height than Hillfield, appearing visually subservient. Consequently, subject to the building being tied to Hillfield, it would not detract from its setting. As the building has an appropriate design and the garden setting of Hillfield is retained, the proposal would preserve the character and the appearance of the Conservation Area.
12. Core Policy CS1 B of the Harrow Core Strategy (2012) ("Core Strategy") states that garden development will be resisted. However, the Harrow Supplementary Planning Document: Garden Land Development ("Garden Land SPD") clarifies that this limitation applies where the proposal involves the formation of one or more new dwellings. In this case, as previously discussed, the building would be tied to Hillfield. It would be an annex and not a new dwelling.
13. Paragraph 3.6 of the Garden Land SPD states that householder development, such as ancillary domestic outbuildings, is not garden land development. Whilst this is a large building which includes habitable living accommodation, its proportions must be viewed in the context of Hillfield, an unusually large residential property; and its garden which exceeds the size of many other gardens in the surrounding area. In this context the proposal can be reasonably regarded as an ancillary domestic outbuilding. As such, it complies with the Borough's spatial strategy in relation to development on garden land. It differs to the appeal precedents cited by the Council in the officer report, which mainly involve the creation of new dwellings on garden land.
14. In conclusion, there would be no harm to the character and appearance of the area, as a consequence of this proposal including the heritage assets discussed above. There is no conflict with policies 3.5 A, 7.8 C/D/E of the London Plan, CS1 A/B/F or CS6 A of the Core Strategy; or DM7 of the Harrow Council: Development Management Policies (2013) ("DMP") all of which seek to secure a high standard of design that protects garden land and heritage assets within the Borough. Nor does the proposal conflict with the Garden Land SPD; the Conservation Area SPD's; nor the Framework which shares similar objectives to the development plan policies cited above.

Noise and disturbance

15. The proposed building would be located well within the curtilage of Hillfield, away from its external boundaries. It would not fall within close proximity of any other existing residential properties, outside the site. The use of the site for residential purposes, including ancillary residential accommodation, is consistent with the existing residential use of Hillfield. Given the size of this property and its grounds, the proposal would not amount to an unreasonable intensification of this use, nor would it lead to a significant increase in parking demand either on or off the site.
16. On this basis it is reasonable to conclude that there is no risk that this ancillary residential accommodation would result in unacceptable harm to the living conditions of any existing residents, through noise and disturbance. As such, there is no conflict with policies 6.3, 6.13, 7.4 and 7.6.B of the London Plan

(2016), CS1 B of the Core Strategy, nor DM1 or DM42 of the DMP which, amongst other things, require that a high standard of amenity is achieved where new development is proposed, including for existing residents. Nor does the proposal conflict with the adopted Supplementary Planning Document: Residential Design Guide (2010), which shares similar objectives.

Very Special Circumstances and Green Belt Balance

17. The proposal is partially designed to meet the needs of family members of the appellant, to support multigenerational living. This is explained in the Design and Access Statement, which I have had regard to. However, the detail provided on the personal circumstances is limited. It is not clear from the evidence before me why these housing needs could not be fulfilled by the existing residential building on the site. Nor is there any method before me of ensuring that the proposed building is solely used for the purpose of older persons care, for the lifetime of the development.
18. As such, whilst the proposal could serve the care needs of an older person; promoting health and wellbeing as required by legislation and encouraged in the Framework and Planning Practice Guidance, there is no guarantee that this would be the case upon the grant of planning permission. Consequently, this consideration only attracts limited weight in the planning balance.
19. The proposal would also generate economic activity and improve the living conditions of existing residents of Hillfield, through the creation of additional living space. However, the associated public benefits would be minimal. These considerations also only attract a limited amount of weight.
20. Overall, the proposal amounts to inappropriate development in the Green Belt and substantial weight should be given to this harm. Furthermore, it would also result in harm to the openness of the Green Belt. There are no other considerations that would clearly outweigh the harm by reason of inappropriateness, and the other harm identified, and thus constitute the very special circumstances necessary to justify the development proposed. The harm cannot be overcome by the use of planning conditions. The proposal conflicts with Policy 7.17 of the London Plan, CS1 F of the Core Strategy and DM 16 of the DMP, together with the relevant parts of the Framework, all of which seek to maintain the openness of Metropolitan Open Land and prevent inappropriate development on it.
21. Reference is made in the background documents to a historic appeal decision in relation to Hillfield. However, this was for a conservatory which is clearly a different form of development to what is proposed here. I have dealt with this case on its planning merits having regard to the evidence before me.

Conclusion

22. Whilst the proposal is acceptable in terms of its effect on the character and appearance of the area and the living conditions of existing residents, it would be unacceptable in terms of its impact on the Green Belt. The proposal conflicts with the development plan when it is considered as a whole, and there are no other considerations that outweigh this conflict. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR