
Appeal Decision

Site visit made on 29 January 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2020

Appeal Ref: APP/M5450/W/19/3241259

Garages to the rear of Letchford House, Headstone Lane, Harrow, HA3 6PE

- 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 A Surace against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2326/19, dated 22 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is demolition of the existing garages and replacement with a single storey house with a basement.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal was accompanied by a flood risk assessment ("FRA") and amended plans. These make changes to the layout and detailed design of the proposed building in light of the findings of the FRA, and also seek to address the concern that the bedrooms would receive inadequate light and outlook.
3. However, the appeals process should not be used to evolve a scheme. It is important that what is considered in an appeal is essentially what was considered by the local planning authority, and on which interested parties views were sought¹. The changes here go beyond technical information about the impact of development; they comprise design alterations that seek to overcome two out of five reasons for refusal.
4. I appreciate these changes would have limited impact on the external appearance of the proposed scheme. However, there were objections relating to flood risk raised at the time of the original planning application. I am not certain that these interested parties were aware of these changes and have not received further representations from them in response to the appeal. As such, their interests would potentially be prejudiced, were this information to be accepted.
5. Consequently, it would be inappropriate to accept this additional information as part of this written representations procedure. I have disregarded it and dealt with the appeal solely on the information submitted with the original planning application.

¹ See paragraph M.2.1 of the Planning Inspectorate Procedural Guide: Planning appeals – England (February 2020)

Application for costs

6. An application for costs was made by Mr A Surace against the London Borough of Harrow. This application is the subject of a separate Decision.

Main Issues

7. These are:

- The effect of the development on the risks associated with flooding, on both the site and the area that surrounds it;
- the effect on the character and appearance of the area, with particular regard to the setting of the Grade II listed building at Letchford House and the open space to the rear of the site; and
- Whether or not a satisfactory standard of living accommodation would be provided for future residents in relation to outlook and daylight to the proposed basement.

Reasons

Flood Risk

8. The appellant acknowledges that the site partially falls within flood zone 2. The Council also advise that, according to its own information, there is a significant risk from surface water flooding. The National Planning Policy Framework ("the Framework") requires that planning applications in such areas are supported by a site-specific FRA. This is also reflected in policy 5.12 of The London Plan (2016), policy CS1 U of the Harrow Core Strategy (2012) ("Core Strategy") and policies DM9 and DM10 of the Development Management Policies Development Plan Document (2013) ("DMP") which require, amongst other things, that development is managed to achieve an overall reduction in flood risk and increase resilience to flood events.
9. The proposal involves the creation of a new residential dwelling. This includes accommodation at basement level which is likely to be particularly susceptible to flooding given its below ground position. On the evidence before me, no FRA was provided with the original planning application to demonstrate the accommodation is or could be made flood resistant or resilient. Furthermore, it was not demonstrated that the development would not increase the risk of flooding elsewhere.
10. In the absence of this information there is an unacceptable risk of harm both to the occupants of the building and those in the surrounding area, in the event of a flood. The proposal therefore conflicts with the development plan policies cited above. Consequently, the principle of development has not yet been demonstrated to be acceptable. It would not be reasonable to deal with this issue through the use of planning conditions; such conditions could potentially make the development undeliverable.

Character and Appearance

11. Listed Building. The site forms part of a parcel of land historically associated with Letchford House, a grade II listed building. This structure predates much of the surrounding built environment, dating back to the 17th Century and possibly originally used in connection with farming. It exhibits distinctive gables

and sash windows of mixed arrangement. Its special character and significance is derived from its well-preserved appearance and the extent of historic fabric which it retains.

12. Letchford House was converted to offices in the 20th Century. The land to its rear comprised hardstanding with various commercial buildings in situ. Whilst the main building has been converted back to residential use and a garden has been restored in recent years, the commercial buildings beyond have been occupied independently of Letchford House for a significant period of time and in 2019 certificates were issued by the Council confirming such activities are lawful. This means that, in planning terms, the subdivision of the site has already effectively occurred. As such, the continuity between the listed building and the park beyond has already been lost.
13. The existing commercial buildings on the appeal site mean that the subject land does not have an open or undeveloped character. These are utilitarian, twentieth century incidental structures. They contribute nothing to the setting of the heritage asset. Were this appeal to be unsuccessful, their commercial use can continue independently of the host building.
14. The area to the front and side of the Letchford House would be reconfigured primarily to provide a separate access to the new building. However, an independent access to the rear of the site already exists, passing by the side of the listed building and serving the existing commercial properties described above. The continued use of this area for vehicular movements independent of Letchford House would not result in harm, given the existing situation.
15. Under the proposals, the access track would be extended to the main road, and formally partitioned off. However, the listed building would retain a large front garden, commensurate with its status. The independent access road would not significantly encroach into any views of Letchford House, from Headstone Lane. Overall, there would be no harm to the setting of the listed building, when it is viewed from the front or side.
16. To the rear, the new structure would be set well back from the listed building. The additional height of the building over the existing commercial buildings on the site is very minor. The built footprint does not differ significantly from the existing buildings on the site: whilst it would encroach slightly towards the north, it would be sited further away in part from the western boundary.
17. Architecturally, the proposal does not seek to mimic Letchford House, but its flat roof would follow the precedent set by nearby residential properties along Mullion Close. In this respect the proposal would not appear out of place in relation to its wider surroundings. Overall, this would be a discreet and unobtrusive addition, visually subservient to Letchford House due primarily to its limited height. The setting of the listed building would be preserved.
18. Effect on adjoining open space. Because the increase in height over the existing situation would be very limited, the proposal would not significantly obstruct views of Letchford House from the parkland to the rear, which falls within the Green Belt. For the same reason, there would be no significant effect on views of the park from the heritage asset. The development would not encroach into the park and would not diminish the function of this amenity space in any way, including for sport or recreation. Overall, the proposed development would appear visually sympathetic to the parkland to the rear,

and also the residual garden of Letchford House. The effect on the adjoining open space is acceptable.

19. Effect on wider built environment. Letchford House sits between two roads, Winston Court and Mullion Close, which lead off Headstone Lane and contain residential housing of varied appearance and design. It appears as an anomaly in the built environment, and does not form part of any significant linear pattern of development. The proposed access drive would run parallel to the two aforementioned roads.
20. Whilst it would not directly address the road, the proposed building would have its own driveway and parking area. The design approach that has been adopted seeks to minimise the visual impact of the building, this has been achieved primarily due to the low above ground height of the building. Space would be retained for meaningful landscaping and amenity space, so the extent of built up area on the site would be appropriate. As such, this would not comprise an overdevelopment of the site.
21. Accordingly, whilst the proposal may be reasonably regarded as backland development, it adopts a sensitive design that would not appear cramped or contrived, particularly when considered against the existing appearance of the site. It would be set well away from other residential dwellings and given its limited height would not compete with these buildings for visual attention. Overall, the proposal would not detract from the wider existing built environment. It is acceptable in all respects.
22. Character and Appearance – overall conclusions. The effect on the special character and significance of the heritage asset would be neutral and there would be no harm. Having regard to the statutory test set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the setting of this heritage asset would be preserved. Furthermore, there would be no adverse effect on views between the park and Letchford House, nor to the character and appearance of the wider surrounding built environment.
23. As such there would be no harm to the character and appearance of the area. There is no conflict with policies 7.4, 7.6, 7.8 or 7.18 of the London Plan (2016); nor CS1 B/D/F/G or CS3 A of the Core Strategy, nor DM1, DM7 or DM18 of the DMP which seek, amongst other things, to achieve well designed development which respects the character of the surrounding area, including open space, and preserves the setting of listed buildings. Nor is there conflict with the adopted Supplementary Planning Document: Residential Design Guide (2010) ("SPD"), which shares similar objectives to the development plan policies cited above, nor the National Planning Policy Framework ("the Framework") which seeks to achieve well designed places that conserve the historic environment.

Living accommodation

24. The ground floor would comprise the main living area with a large living room and a study, opening out on to a small rear courtyard. These would be the main habitable living areas on a day to day level, and they would all benefit from good natural light and a reasonably unobstructed outlook.
25. The two bedrooms would be located within the basement of the building. However, they would still have windows which open out on to a light well, and

consequently they would receive ventilation and some natural light. The outlook would be heavily restricted due to the proximity of the lightwell retaining wall, but it would still be possible to view the sky from the rooms in question, albeit at an oblique angle.

26. The outlook from these basement windows would be unlikely to meet the 45 degree requirement cited in the DMP². However, it would be adequate given that the principal use of the affected habitable rooms would be for sleeping. Given that the levels of natural light and outlook for the main living accommodation at ground floor level are otherwise good, the proposal overall would provide acceptable living conditions for its future occupants in relation to light and outlook.
27. As such, there is no significant conflict with policies 3.5 and 7.2 of the London Plan 2016, nor policy CS1 K of the Core Strategy, nor DM1 or DM27 of the DMP all of which seek, amongst other things, to ensure that the internal layout of buildings meets the needs of future occupants with adequate light and outlook being provided. Nor is there conflict with the SPD which shares similar objectives to the development plan policies cited above.

Other Matters and Conclusion

28. The proposal would provide one additional residential unit. It would provide high quality living accommodation on a previously developed site, in an existing built up area, close to public transport and services. It would clearly make effective use of land and there is strong encouragement for this in both the National Planning Policy Framework and other development plan policies.
29. However, these considerations, and the other benefits of the proposal cited by the appellant do not, even cumulatively, outweigh the potential for harm that arises through the risk of flooding. The Framework places a strong emphasis on ensuring that development in areas of flood risk is appropriately flood resistant and residual risk can be safely managed. That has not been demonstrated here, and I attach substantial weight to the harm that would arise, in consequence. The presumption in favour of sustainable development does not apply.
30. To conclude, whilst the proposal is acceptable in terms of its effect on the character and appearance of the host building and surrounding area and would also provide acceptable living conditions for future occupants; there are unacceptable risks associated with flooding. The proposal conflicts with the development plan when it is considered as a whole and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

² As set out in policy DM1 of the DMP (under 'privacy and amenity considerations').