
Appeal Decision

Site visit made on 11 August 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/M5450/W/19/3243648

Mallory, Priory Drive, Stanmore HA7 3HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr V Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1977/19, dated 26 April 2019, was refused by notice dated 21 June 2019.
 - The application sought planning permission for 'Condition 2 - Variations to approved plans - First floor side extension with roof modifications, new main entrance porch and alterations to fenestration to first floor'.
 - The condition that the proposal seeks to alter states that: This permission shall have the effect of varying condition numbered 2 on full planning permission reference P/5568/15 dated 26 January 2016 as follows: The development hereby permitted shall be carried out in accordance with the following approved plans: SH05.114, SH05.105 Rev A, SH05.106 Rev A, SH05.100 Rev A, SH05 101 Rev A, SH05.102, SH05.103, SH05.104, Site Location Plan.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Background

2. The proposal seeks to substitute the previously approved plans agreed in relation to a replacement dwelling within the Green Belt. The amendments sought include the provision of a first floor to the eastern wing, a front porch and alterations to the first-floor fenestration. At the time of my site visit, works on the dwelling were in progress. The description of the proposal varies between the application form and the Council decision notice. The application form clearly describes the proposals and I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - i. whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2019) (The Framework) and any relevant development plan policies;

- ii. the effect of the proposal on the openness of the Green Belt; and
- iii. if the proposal is inappropriate development, 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 or not the proposal is inappropriate development

- 4. The Framework at paragraph 145 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions. Paragraph d) allows the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposal seeks to enlarge the replacement dwelling which has approval at the site through the provision of additional accommodation at first and ground floor level. The evidence indicates that the floor area associated with this scheme would represent a significant 38% increase over the floor area of the dwelling that the proposal would replace.
- 5. There is nothing unreasonable in making the assessment in relation to test required by paragraph 145 d) in terms of floor area. Whilst the appellant has questioned the inclusion of the floorspace provided within the basement as part of these calculations, this is a reasonable approach which has previously been supported¹.
- 6. With regard to the first main issue I therefore conclude that the appeal proposal would be materially larger than the building it would replace and would therefore constitute inappropriate development within the Green Belt. Paragraph 143 of The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy 7.16 of the London Plan (2016) (LP), Policy DM 16 of the Harrow Development Management Policies (2013) (DMP) and Policy CS1 of the Harrow Core Strategy (2012) (HCS) are consistent with the Framework in this regard.

Openness of the Green Belt

- 7. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.
- 8. The additional floorspace would partly be provided by adding an additional storey to the single storey eastern wing of the dwelling. This addition would add substantial additional bulk to the dwelling which would be notable and prominent when viewed from Priory Drive. The bulk and massing between the dwellings on the street are characteristically broken up through the provision of single storey elements to the side of the main bulk of the dwellings. As a result of the proposal, the dwelling would be closer to Bentley Hyde to the south-east

¹ Feather v Cheshire East Borough Council v Mr Christopher Wren and Mrs Susan Wren [2010] EWHC 1420 (Admin).

at first floor level and this would erode the sense of space between these properties.

9. Consequently, I conclude on this matter that there would be a minor but harmful loss of openness of the Green Belt. While the loss would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt. The proposal would therefore conflict with the Green Belt protection aims of The Framework, Policy 7.16 of the LP, Policy CS1 of the HCS and Policy DM16 of the DMP.

Other considerations

10. My attention has been drawn to other approvals and appeal decisions relating to nearby properties involving the provision of additional floor space. The majority of the examples cited appear relatively aged and it is not therefore certain that these proposals were considered against the exact same policy background. Moreover, none of the circumstances associated with these approvals appear the same. Cases at Cedar Trees and Green Verges appear to relate to extensions, which will likely have been judged against different criteria.
11. A replacement dwelling has been drawn to my attention at Bentley Hyde. However, the report associated with that proposal appears to identify special circumstances which are not evident in relation to this case.
12. I appreciate that Lawful Development Certificates exist at the appeal site for a swimming pool complex and garage. However, these are low single storey structures which would not have the same effect on Green Belt openness as a result of their limited height. They do not therefore justify the appeal.
13. Various other methods of assessing the impact of the revised proposals including built frontage, site coverage and height have been drawn to my attention. However, while these parameters vary from dwelling to dwelling and in some cases may be greater than the appeal site, I am comfortable that floor space is a reasonable parameter on which to assess the key issue within the appeal.

Conclusion

14. I have found that the development would constitute inappropriate development within the Green Belt that would result in loss of openness. It therefore should not be approved except in very special circumstances. I must attach substantial weight to the harm to the Green Belt and as such, the harm I have identified is clearly not outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.
15. For the reasons set out above, the appeal should be dismissed.

T J Burnham

INSPECTOR