



Appeal Decision

Site visit made on 18 November 2019 by L Wilson BA (Hons) MA

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2019

Appeal Ref: APP/M5450/D/19/3237565

Knoll House, The Grove, Stanmore, HA7 4LD

- 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 M Akhtar against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0110/18, dated 9 January 2018, was refused by notice dated 9 July 2019.
 - The development proposed is hard landscaping to front and side of house including gates and piers and new soft landscaping.
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Decision

1. The appeal is dismissed insofar as it relates to the installation of 2.4m high entrance gates and wall with piers to front boundary. The appeal is allowed insofar as it relates to the hardsurfacing to the front garden and planning permission is granted for hardsurfacing to front garden at Knoll House, The Grove, Stanmore, HA7 4LD in accordance with the terms of the application, Ref P/0110/18, dated 9 January 2018, and the plans submitted with it so far as relevant to that part of the development hereby permitted.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The development was described on the application form in the manner set out in the banner heading above. The Council gave a slightly different description on the decision notice as follows:

Hardsurfacing to front garden; installation of 2.4m high entrance gates and wall with piers to front boundary (retrospective)

4. The appellant used that description on the appeal form and I have used it in determining this appeal because it provides a more detailed description of the various elements of the proposal. I noted on my site visit that the development had been carried out. From the evidence before me, it is clear that the proposal is to retain the development that has already occurred, and I have dealt with it on that basis.

Background and Main Issues

5. From the evidence before me, both the Council and appellant agree that the landscaping is acceptable. As described in the appeal form that landscaping relates to the provision of a hard surface to the front garden of the dwelling. That element of the development could reasonably be described as an engineering operation and, in the context of the site, I agree that the hard surface does not materially affect the openness of the Green Belt and that it is acceptable in other respects, including with regard to the impact on the character and appearance of the area. The hard surfacing is clearly distinct and severable from the boundary gate, wall and piers. Consequently, having regard to paragraph 146 of the National Planning Policy Framework (the Framework) and other relevant local and national planning policies I see no reason why planning permission should not be granted for that element of the scheme.
6. Therefore, the point of dispute arises over the gated entrance. The solid metal gates, brick and stone piers along with the brick wall are approximately 2.4 metres in height.
7. The main issues are as follows:
 - i. Whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - ii. The effect of the proposal on the openness of the Green Belt;
 - iii. The effect of the proposal on the character and appearance of the area; and
 - iv. If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate Development

8. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. The Council consider that the proposal represents inappropriate development because the Framework does not specifically refer to the construction of gates, walls and fences within the list of exceptions. In order to support their stance, they have provided appeal decision references, but I do not have the full details of these cases and so cannot determine whether the circumstances are comparable to the proposal before me.
9. Section 336 of the Town and Country Planning Act 1990 defines the term "building" as any structure or erection, thus I agree with the appellant that the wall, gate and piers could reasonably be described as the construction of a "building". It is the type of development normally carried out by a builder and it would be reasonable to rely on this definition in assessing whether the proposal does meet one of the exceptions within the Framework.
10. The appellant has suggested that the proposal complies with exception c) or d) of paragraph 145 of the Framework. Both main parties agree that the proposal

replaces previous boundary treatment. Thus, the proposal cannot meet exception c) as the scheme does not extend or alter an existing "building".

11. In order to suffice exception d) an assessment is required to establish whether the new gated entrance is materially larger than what it replaced. The Council states that the scheme is considerably larger than the pre-existing front boundary treatment and the appellant has not disputed this. The appellant has not provided any guidance on how "materially larger" should be assessed. Furthermore, they have not submitted any details of the previous boundary treatment, for example to indicate its footprint, height or width. Consequently, as I have no compelling evidence to suggest otherwise, the gated entrance is materially larger than the previous front boundary treatment.
12. Accordingly, based on the evidence presented, the proposal is inappropriate development in the Green Belt. As such, the proposal conflicts with the Framework, Policy 7.16B of The London Plan (2016) (TLP) and with Policy CS1F of the Harrow Core Strategy (2012) (CS).

Openness

13. The 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.
14. The gated entrance is located to the frontage of the site and therefore is prominent within the street scene. As highlighted in the previous section, no substantive evidence has been submitted to demonstrate what the scheme has replaced. The solid nature and height of the development results in visual and spatial harm to the openness of the Green Belt. Consequently, I agree with the Council that the scheme reduces the openness of the Green Belt, albeit that the site is already surrounded by walls, fences and hedging such that the additional harm to openness resulting from the gates, walls and piers is limited in extent.
15. Based on the evidence presented, the proposal does not preserve the openness of the Green Belt.

Character and Appearance

16. When approaching The Grove, from Warren Lane, the area is primarily characterised by woodland. Properties vary in terms of their design, scale and siting. Knoll House is a substantial dwelling set within large grounds; glimpses of the dwelling are visible from the highway. Located to the west of the site is a relatively new housing development which has a more urban character.
17. Whilst the site is extensive, and the entrance gates are seen within the context of Knoll House, they are a dominant intrusive feature when viewed from The Grove due to their ornate design and height. Furthermore, both the black colour of the gates and the banding on the pillars draws the eye.
18. On my site visit I did observe examples of other solid gates, however these were not as prominent as the appeal scheme because they were sited further away from the highway and their design was less conspicuous. The development does not reflect the verdant character of the area and its prominence is exacerbated by the gated entrance siting higher than the highway due to land level differences. The materials and design used are more appropriate to an urban area.

19. For these reasons, the gated entrance appears as an incongruous and visually obtrusive addition to the street scene. The scheme has a significant adverse visual effect upon the character and appearance of the area. In addition to the above Policy conflict, the proposal also does not comply with Policies 7.4B and 7.6B of TLP, Policy CS1B of the CS, along with Policy DM1 of the Development Management Policies (2013) (DMP) and the Framework.

Other Considerations

20. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Policies DM16 of the DMP and 7.16B of TLP are consistent with the Framework in this regard.
21. The appellant has highlighted that poorly designed gates, walls and piers could be erected up to a height of 2 metres without planning permission and could be constructed of inappropriate materials. However, the gates and piers are located close to the highway at the front of the site and it is not clear that an alternative means of enclosure of up to 2 metres could be constructed having regard to the terms of Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is not for me, within the confines of this appeal, to determine the lawfulness of alternative development and it is not clear from the evidence before me that the appellant's suggested fall-back would be lawful.
22. In any event, the scheme before me cannot be constructed under permitted development rights as it is materially above the height allowed and the effect on the openness of the Green Belt and the visual impact are greater than would be the case for a lower, 2 metre high enclosure. Furthermore, as highlighted in the previous section, the utilised materials and design of the scheme are considered inappropriate as they do not reflect the character and appearance of the area.

Conclusion and Recommendation

23. For the reasons given above, the parties agree that the hard surfacing to the front garden is acceptable and I have no reason to take a different view. That element is clearly severable from the gate, wall and piers and, accordingly, there is no reason to withhold planning permission for that part of the scheme. I am satisfied that no conditions are necessary in relation to that aspect of the scheme because the development has already been undertaken in accordance with the details submitted with the application.
24. However, the gates and piers constitute inappropriate development and cause harm to the openness of the Green Belt. This is a matter to which substantial weight is given. Additional weight is given to the harm to the character and appearance of the area. As cited above, there is conflict with local and national planning policy. The arguments relating to permitted development, site being extensive, design and quality of materials are given limited weight. The advanced considerations in support of the appeal whether taken individually or cumulatively, do not, on balance clearly outweigh the conflict with planning policies that seek to protect the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

25. For the reasons given above I recommend that the appeal should be allowed insofar as it relates to the hard surfacing to the front and dismissed insofar as it relates to the walls, gates and piers.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be allowed insofar as it relates to the hard surfacing to the front and dismissed insofar as it relates to the erection of the walls, gates and piers.

Chris Preston

INSPECTOR