
Appeal Decision

Site visit made on 8 September 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/M5450/W/20/3252986

2A Dale Avenue, Edgware HA8 6AE

- 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 Kerai against the decision of the Council of the London Borough of Harrow.
 - The application Ref P4515/19, dated 21 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is described as: First floor side extension and single storey rear extension. Demolition of the garage and the construction of a two storey 3 bed single family dwelling house; associated parking and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is acceptable for residential development having regard, in particular, to the Council's spatial strategy for growth, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Acceptability of the site for residential development

3. The site is located within a suburban, residential area on the corner of Dale Avenue and Camrose Avenue. In contrast to the view of the appellant, although the site does not mirror the illustration of a corner site as outlined in the Supplementary Planning Document: Garden Land Development-2013 (SPDGLD), nevertheless, given its location on the corner of Dale Avenue and Camrose Avenue, I consider it to be a corner site.
4. Part A of Policy CS1 of the Harrow Core Strategy-2012 (CS), states that growth will be managed in accordance with the Spatial Strategy and that the Harrow & Wealdstone Intensification Area will be the focus for regeneration, providing for a significant portion of new development in accordance with Policy CS 2, including almost half of all new homes over the plan period. Growth throughout the rest of the Borough will be directed to town centres and strategic previously developed sites and managed in accordance with sub-area policies CS3-CS10. The site is not located in either the Harrow & Wealdstone Intensification Area, a town centre or a strategic previously developed site.

5. The site comprises a two-storey detached dwelling with an attached single-storey garage. The appellant suggests that the garage has an authorised alternative use. However, as I have not been provided with any evidence to confirm this, I consider the use of the garage is associated with the residential use of the site. The appellant suggests that no evidence has been provided to demonstrate that the garage benefits from planning permission, and therefore contends that it is part of the original property. However, to my mind, the siting, design and materials used in the construction of the garage lead me to conclude that it is evidently an extension to the original property.
6. The area directly in front of the property is mostly covered with block paving, seemingly used for parking vehicles. The area to the rear of the property consists of a flagged patio and lawned areas, small trees, shrubs and hedges and small domestic outbuildings and structures, evidently used as the main outdoor amenity space. The appellant suggests that the proposed dwelling would not be on garden land. However, paragraph 3.1 of the SPDGLD states that *"garden land means any land within the curtilage of a building the principal use of which is residential."* There is no doubt in my mind that the site boundary is the curtilage boundary of the residential property. Consequently, the proposal would be on garden land.
7. The CS includes a presumption against garden land development. Part B of Policy CS1 of the CS states, among other things, that garden development will be resisted. Paragraph 3.5 of the SPDGLD states that for the purposes of Policy CS1 B *"...garden land development means any development on garden land that results in the formation of one or more new dwellings..."*. As the proposal would create one new dwelling, on garden land, I conclude that the proposal constitutes garden land development.
8. Bearing in mind the factors discussed above, the proposal does not accord with parts A or B of Policy CS1 of the CS or guidance outlined in the SPDGLD. As such, I consider the proposed residential development on garden land would undermine a fundamental aim of the CS, which is to ensure housing growth is delivered in accordance with the spatial strategy outlined in the CS. Nor would the proposal accord with Policy 3.5 A of The London Plan-March 2016 (the LP), which allows for Boroughs to introduce a presumption against housing development on residential gardens. I therefore conclude that the site is not an acceptable site for new residential development.

Other considerations

9. The appellant has drawn my attention to the following other considerations:
 - i) Paragraph 68 of the National Planning Policy Framework (the Framework) - which outlines the important contribution of small and medium sized sites to meeting an area's housing requirement and advises that Local Planning Authorities should work with developers to encourage the sub-division of large sites;
 - ii) Policy H2 of the Draft London Plan-July 2019 (the DLP) - which promotes residential development on small sites; in particular, Policies H2A and H2D, include a presumption in favour of small housing developments, of between 1 and 25 units, including the infill of vacant or underused brownfield sites;

- iii) Paragraph 3.10 of the SPDGLD - which notes that an exception will be made for gap sites within a built-up street frontage. It is asserted that the site constitutes a gap site and is therefore infill development, and
- iv) The proposal would make a modest contribution to the housing requirement/stock of the area, thereby increasing the choice of housing available in the Borough.
9. I consider that the Council's decision is not contrary to paragraph 68 of the Framework. The Council's CS includes a presumption against garden land development, as discussed above, which is in accordance with the Framework. This does not prevent the development of suitable small sites for housing. I therefore attach little weight to this consideration.
10. As the DLP has not yet been adopted, full weight cannot be attributed to it. However, even if I were to give full weight to policies H2, H2A and H2D of the DLP, I disagree with the appellant's suggestion that the site is an underused brownfield site. The glossary in the Framework makes it clear that previously developed land does not include "*land in built-up areas such as residential gardens*", which is what the site is.
11. The SPDGLD states that "*...corner sites...and side garages/driveways do not constitute the kind of gaps to which this exception applies.*" Hence, as the site is a corner site, with a side garage, the site does not satisfy the exception related to gap sites. I therefore attach no weight to this consideration.
10. Given the proposal would only provide one additional dwelling to the housing requirement and stock in the Borough, I attach limited weight to this factor.
11. I therefore conclude that there are no other considerations that outweigh the conflict I have found with the development plan of the site not being acceptable for residential development as it would undermine the spatial strategy of the CS.

Effect on the character and appearance of the area

12. The area consists primarily of semi-detached, 2-storey dwellings. The appeal property is one of very few detached properties in the area. Additionally, immediately south of the site on Dale Avenue are 2 pairs of semi-detached bungalows, the only bungalows within proximity of the site.
13. As noted above, the site is located on the corner of Dale Avenue and Camrose Avenue. This junction forms part of a staggered crossroad junction, with the junction of St Bride's Avenue/Camrose Avenue being situated a little to the east of the Dale Avenue/Camrose Avenue junction. A combination of grass verges, wide curved corner footpaths, the orientation of properties and their respective garden spaces, results in all 2-storey elevations of properties around the junctions being set back a distance from the footpaths. This creates a spaciousness between the footpaths and the properties around the junctions.
14. Replacing the existing single-storey side extensions with 2-storey side extensions would result in the built form virtually filling the width of the existing site with development at two-storeys high. The 2-storey side elevations would be sited right up against the 2 side boundaries. This would fill the space between the existing 2-storey side elevation facing Camrose Avenue and the site boundary adjacent to the footpath on Camrose Avenue, which I

consider would thereby erode the spacious character and appearance around the junction.

15. Also, I consider that the 2-storey side extension that would face the bungalow would remove what serves as an existing transition point between the existing dwelling and the neighbouring bungalow, ie the single-storey side extension. With a 2-storey side elevation sited virtually on the boundary with the bungalow, the significant variation in eaves and roof heights between the 2 properties would be more prominent and emphasised. These factors would result in the proposed building dominating the bungalow, which I consider would disrupt the existing balanced relationship between the 2 properties, thereby harming the street scene and the character and appearance of the area.
16. In light of the above, I conclude that the proposed development would be harmful to the character and appearance of the area. Consequently, it does not accord with policies CS1 of the CS, DM1 of Harrow Council: Development Management Policies-2013 document, 7.4 and 7.5 of the LP, design policies in the Framework or guidance in the Supplementary Planning Document: Residential Design Guide-2010. Collectively, these policies and guidance seek to ensure new development is of high-quality design and respects and responds positively to the character and appearance of the area.

Other considerations

17. The appellant refers to development that has previously occurred at number 221 Camrose Avenue to justify the proposal, where it appears that a 2-storey side extension has been added to create an additional residential unit. I do not know the full details of this case. Notwithstanding this, No 221 was originally one of a pair of semi-detached dwellings, not a detached dwelling; the plot size of 221 differs to that of the appeal site; the way the property is orientated to the adjacent streets and its relationship with neighbouring properties also differ. As such, I consider the 2 sites are not directly comparable.
18. Since the determination of planning application Ref P4515/19, the appellant has received confirmation from the Council that they can erect a single-storey rear extension up to 8 m deep. The appellant considers this to be a fallback position which should be attributed sufficient weight for it to justify allowing the proposal. Although the extension would have a substantial footprint, being only single-storey high it would not have the same detrimental effect on the street-scenes as the proposal before me. As such, it would not harm the character and appearance of the area in ways I have identified the proposal would. Consequently, I attach limited weight to this consideration.
19. Bearing the above matters in mind, I do not consider there to be any other considerations that would justify departing from making my decision based on the development plan.

Conclusion

20. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson
INSPECTOR