
Appeal Decision

Site visit made on 2 October 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020.

Appeal Ref: APP/M5450/D/20/3252196

76 Birchmead Avenue, Pinner HA5 2BH

- 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 Mark Reeves against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0448/20, dated 3 February 2020, was refused by notice dated 3 April 2020.
 - The development proposed is outbuilding for use as double garage, gym and storage area, ancillary to the main house.
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Decision

1. The appeal is allowed and planning permission is granted for outbuilding for use as double garage, gym and storage area, ancillary to the main house at 76 Birchmead Avenue, Pinner HA5 2BH in accordance with the terms of the application Ref P/0448/20, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 20190226-01; 20190701-02B, and 20190701-02C.

Application for costs

2. An application for costs was made by Mr Mark Reeves against the Council of the London Borough of Harrow. This application is the subject of a separate Decision.

Preliminary Matter

3. The description of development changed during the determination of the application and I have made a further amendment to it for precision and clarity.

Main Issues

4. The main issue is the effect on the character and appearance of the area.

Reasons

5. Birchmead Avenue is a pleasant, modern residential cul de sac with a suburban character. Dwellings are generally detached, within generous plots and set behind front gardens.

6. No 76 is located in the corner of the cul-de-sac and is orientated such that it has a large side and rear garden. The driveway runs along the frontage of the house, leading to a double garage with a flat roof. The rear and side gardens are framed by substantial trees, which provide some visual relief to the built form of the street.
7. The property benefits from two Certificates of Lawful Proposed Use (Ref P/2130/19) relating to a rear and side extension. The appellant has indicated these on plan Ref 20190701-02C 'Proposed Outbuildings'. Further, the appellants have discussed the re-siting of the double garage, which would be smaller than the proposed outbuilding and consider this to be a 'fall-back position'. I have taken account of this in my reasoning.
8. In their refusal reasons, the Council have cited the following policies, the details of which are not before me. These include Policies 7.8 C/D/E of the London Plan (2017) and CS6.A of the Harrow Core Strategy (2012) (CS) and policies DM7 and DM16 of the Harrow Development Management Policies Local Plan (2013) (LP).
9. The officer's report highlights a different set of policies, including policies CS1A (Managing Growth in Harrow) and CS1B (Local Character) of the CS, and I consider that these are relevant, albeit they are not cited as part of the refusal reason.
10. From the plan Ref 20190701-02C, it appears to be that the proposed outbuilding would have a larger footprint than the host dwelling, should the proposed extensions not be constructed. However, as I have no reason to doubt that the extensions would be constructed, I have considered the cumulative impact of the outbuilding taken with the larger host dwelling.
11. It appears to me that whilst the fallback position would result in a less substantial development, I do not consider the appeal proposals, when taken with the extension be unacceptably harmful to the character of the area.
12. I note that the appellant has sought to set the outbuilding back from the principal elevation of the dwelling and has ensured it would have a shallow pitched roof to limit its scale and bulk. The views of the development from the public domain would be limited and the scale of the development not readily discernible.
13. The proposals would partly obscure the views of the trees to the rear of the plot, but this in and of itself would not be a reason to dismiss this appeal.
14. Overall, I consider that the appeal proposals would not amount to an unacceptable level of harm to the character and appearance of the area. I therefore do not consider the proposals would offend policies CS1A or CS1B of the CS.

Conclusion

15. For the reasons given and subject to the conditions set out above, which I have imposed for certainty and precision, I conclude that the appeal should be allowed.

Sian Griffiths

INSPECTOR