



Appeal Decision

Site visit made on 12 October 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/M5450/D/20/3252495

Turnpidgeons, Oxhey Lane, Pinner, HA5 4AL

- 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 Bobby Malhotra against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0169/20, dated 16 January 2020, was refused by notice dated 12 March 2020.
 - The development proposed is retention of two sets of brick piers and installation of wrought iron gates and boundary wall to both driveway entrances.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have slightly amended the description of development to better reflect the description of development in the application form.
3. At the site visit, it was clear that some of the development had been carried out, with the brick piers and some of the walls having been constructed. I have taken account of this in my reasoning.

Main Issues

4. The main issues are:
 - Whether or not the proposals would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal (the Green Belt balance), and
 - The effect of the development on trees.

Reasons

5. Turnpidgeons is a large detached dwelling on a substantial plot with a wide frontage to Oxhey Lane.
6. The area is characterised by generally open farmland with a golf course adjacent giving it a rural, undeveloped feel. Whilst the house forms part of a small number of dwellings arranged in a linear fashion along this section of the road, there is very little built form within the surrounding area.
7. The appeal site falls within the Green Belt, which is protected by Policy DM16 (Maintaining the Openness of the Green Belt and Metropolitan Open Land) of the Harrow Development Management Policies Local Plan (2013) (LP); Policy 7.16(B) (Green Belt) of the London Plan (2016) as well as Section 13 of the Framework.

Whether or not the proposals would be inappropriate development

8. Paragraph 133 of the Framework sets out that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 145 of the Framework also sets out that new buildings within the Green Belt are 'inappropriate' unless, amongst other things, it involves the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
9. A 'building' is defined in s.336 of the Town and Country Planning Act 1990 as including any structure or erection. The proposed wall, gate piers and gates fall into this definition. The appellant states that they could erect a wall to the front of the property of no more than 1m, as defined in the Town and Country Planning Act, 2015 (Part 2, Class A) and that this would constitute a 'fallback' position. I have therefore considered this in my reasoning.
10. At 2.4m high, the proposed walls and gate piers, together with the gates at 2.6m would be materially larger than what could be delivered as part of the fallback position. They would therefore not be encompassed by any of the Framework paragraph 145 exceptions.
11. I therefore consider the existing and proposed development to constitute inappropriate development in Green Belt.

The effect on openness

12. At the site visit, the appeal site had a verdant green frontage and this provided a degree of screening to the house.
13. The appellant has drawn attention to other boundary treatments and gates that have been used on neighbouring properties, but at the site visit, it was clear that walls and gate piers similar to those proposed are not commonplace within the area. I observed that most nearby properties had predominantly hedges and some timber fencing to their frontages.
14. A new wall would, in my view have an effect on the openness of the Green Belt because of its height and solidity. Whilst the existing hedge and trees do reduce openness to a degree, the proposed walls would create a strong boundary features which would reduce glimpsed views into the property, thereby harming the openness of the Green Belt.

15. I therefore conclude that the proposed development would be in conflict with Section 13 of the Framework, as well as policy DM16 of the LP and Policy 7.16(B) of the London Plan (2016).

The effect on character and appearance

16. The rural, informal and open character of the area is characterised by green boundaries and frontages with limited built form. The area is predominantly comprised of open fields and a nearby golf course which reinforces this rural feel. The introduction of such formal, solid structures along this stretch of Oxhey Lane would harm the informality of the area, appearing incongruous within the immediate setting.
17. I therefore find this to be contrary to Policy 7.4(B) of the LP which seeks development of a proportionate scale and mass that creates a positive relationship between the urban structure and natural landscape features.

Whether the harm by reason of inappropriateness and any other harm would be outweighed by other considerations and whether this would constitute very special circumstances

18. I note that the appellant has some concerns over security which also motivates the need for a wall, gate piers and gates to the property. However, the appellant has not provided evidence for these concerns, so I am unable to give this weight in my decision making.
19. The Framework attaches great importance to Green Belt and substantial weight should be given to any harm that is identified during the determination of proposals. I have found the appeal proposals to constitute inappropriate development and I have also found harm to the openness of the Green Belt.
20. Further, I consider that the proposals would be harmful to the character and appearance of the wider area. In balancing this against the appellants case for the proposals together with the other matters raised, they do not clearly outweigh the harm identified. The very special circumstances necessary to justify the development have not therefore been demonstrated. Consequently, the proposed development conflicts with the Green Belt protection aims of the Framework and with Policy DM16 of the LP as well as Policy 7.16(B) of the London Plan (2016).

The effect of the proposals on trees

21. The appeal site is within an area protected by a Tree Preservation Order (TPO) (No.940) and Policy DM22 (Trees and Landscaping) of the LP seeks development that does not harm protected trees.
22. I note that the council's tree officer had few concerns in relation to the loss of potentially significant trees, insofar as it was explained that the development would not harm any trees other than the required removal of vegetation considered to be 'hedge'.
23. I therefore consider that this is a matter that could be dealt with via an appropriately-worded planning condition. I therefore do not find that the proposals would necessarily conflict with policy DM22 of the LP.

Conclusions

24. I have considered the potential for a planning condition to address the third refusal reason in respect of the effect on trees, but it does not overcome the other harms I have identified in relation to the character and appearance of the area and the impact on the Green Belt.

25. To that end and for the reasons given, the appeal is dismissed.

Sian Griffiths

INSPECTOR