



Appeal Decision

Site visit made on 10 November 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2020

Appeal Ref: APP/M5450/W/20/3250746

42 Boxtree Road, Harrow, London HA3 6TH

- 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 Pranav Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4717/19, dated 9 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is a two-storey dwelling house (3 bed); bin store and vehicle access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether this proposal would be appropriate in respect of planning policy regarding the development of garden land, and its effect on the character and appearance of the surrounding area.

Reasons

Garden land

3. The appeal site is located on the corner of Boxtree Road and Kynaston Wood which is situated in a largely residential area. The appeal site itself forms part of the existing garden area to 42 Boxtree Road. It is common ground that the appeal site represents garden land as defined by the Councils' Garden Land Development Supplementary Planning Document (GLDSPD).
4. The National Planning Policy Framework (the Framework) and The London Plan (2016) allow Councils to introduce a presumption against development on private residential gardens, albeit that the Framework phrases this as being in circumstances where such resistance is where it would be 'inappropriate development of residential gardens, for example where development would cause harm to the local area'¹.
5. Core Policy CS 1 of the Harrow Core Strategy (2012) (CS) states that 'Proposals that would harm the character of suburban areas and garden development will be resisted'. However, the wording of this policy suggests that all garden development would be resisted which is not entirely consistent with the Framework. The key difference between Policy CS 1 and the Framework

¹ Paragraph 70

relates to whether the proposal would be an inappropriate development of a residential garden.

6. Notwithstanding that, the GLDSPD does give some exceptions, and in particular 'gap' sites within a built-up frontage. This part of Boxtree Road is characterised by two terraces of seven dwellings with monopitch roofs either side of the road of Kynaston Wood. Whilst the design of these two blocks are very similar, there are some differences including the direction of their front aspects and a staggering of the dwellings.
7. The appeal property itself has a side garden (as well as a rear garden) which is significantly wider than the property itself and any of the other similarly designed properties. Whilst this helps to exhibit a sense of spaciousness at the road corner with Kynaston Wood, this amount of space is an anomaly in the streetscene. Indeed, the level of space adjoining 51 Kynaston Road on the opposite corner of the junction is much smaller than that of the appeal site.
8. In my view, the area of land to the side of No.42 represents a gap in the built-up form along this part of Boxtree Road. Furthermore, I consider that the site cannot be considered to be an especially spacious residential area when the size of the curtilages of the terraced properties, and that of the Kynaston Wood development, is taken into account.
9. The Council has also set out that development should be focussed on the Harrow & Wealdstone Opportunity Area, town centres and, in suburban areas, to strategic previously developed sites. Whilst the appeal site does not fall into any of these categories, Policy CS 1 does not specifically exclude development on other sites. Additionally, whilst one of the aims of Policy CS 1 is to ensure that the strategic objectives of the Development Plan are delivered, I consider that the limited development of the appeal site would not undermine that objective.
10. My attention has been drawn to a number of appeal decisions² within Harrow which also discuss this matter. However, I have only been provided with very limited details of these cases and I cannot be sure that these have the same set of circumstances as the case before me. Moreover, each proposal must be considered on its individual merits.
11. Taking all of these factors into account, I consider that the principle of developing the site for an additional residential dwelling is acceptable and would accord with the overall aims and objectives of the Framework, Policy 3.5 of the London Plan, and Policy CS 1 of the CS as it would not be inappropriate garden land development.

Character and appearance

12. As noted above, this part of Boxtree Road is characterised by two blocks of terraced properties which are formed with mono-pitch roofs. These terraced properties are of a distinctly different design from the rest of the properties on Boxtree Road which is otherwise formed of traditionally designed semi-detached properties. In addition to the above, the majority of the properties on

² References APP/M5450/W/19/3225128; APP/M5450/W/19/3235468; APP/M5450/W/19/3235784; APP/M5450/W/19/3232998; APP/M5450/W/18/3205517; APP/M5450/W/18/3213993; APP/M5450/W/17/3183182; APP/M5450/W/17/3196206 and APP/M5450/W17/3168229

Kynaston Wood to the north of the site are detached, albeit that this road exhibits a very different character to that of Boxtree Road.

13. The design of the appeal proposal has clearly been influenced by the design of the two terraced blocks and would have a very similar form, scale and appearance. However, detached properties are not commonplace on Boxtree Road and the proposal would be seen very much in the context of the adjoining terrace. This is particularly the case given the design of the proposal which is very much linked to the terraces themselves. In considering the above, the detached nature of the proposal would give rise to a form of development which would be at odds with the prevailing character of this part of Boxtree Road. In coming to that view, I acknowledge that the gap between the respective properties would not be significant. However, the detached nature of the dwelling would still be evident in the streetscene.
14. As I have noted above, the open aspect of the junction of Boxtree Road and Kynaston Wood exhibits a sense of spaciousness which is a feature of this part of the streetscene. The proposal would leave an undeveloped area to the side of the property which would be around 1.85 metres in width at the rear corner of the dwelling. This distance would also be significantly less than that between the pavement and No.51 on the opposite corner. To my mind, the loss of such a significant amount of this undeveloped area would result in an unacceptable loss of this spaciousness. This would be largely owing to the combination of the detached nature of the proposal and the fact that the new dwelling would be wider than the existing terraced properties.
15. The Appellant has drawn my attention to four appeal decisions³ in support of their case, including the site immediately to the rear of the current site. At my site visit, I observed the relationship between 1A Kynaston Wood and the other properties in the road. Whilst this development has some similarities in terms of its location to the side of an existing property, I find it significant that this detached property is viewed in the context of the detached properties on Kynaston Wood as opposed to the terraced properties on Boxtree Road. Furthermore, this decision was determined under a different set of planning policies.
16. In relation to the other three developments, none of these proposals were located on a site which exhibited the same visual qualities and circumstances that the current appeal site does. Additionally, none of these developments have properties which have comparable designs to that of the appeal proposal. Taking these factors into account, none of these appeal decisions provide for a compelling reason why planning permission should be granted.
17. Finally, my attention has been drawn to the emerging London Plan⁴ which recognises that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. Whilst this, and other aspects of the emerging Plan, weigh in favour of the development this does not outweigh the harm I have identified.
18. For the above reasons the proposal would harm the character and appearance of the area and would conflict with Policies 7.1D, 7.4B and 7.6B of The London

³ References APP/M5450/A/14/2225222; APP/M5450/A/12/2183634; APP/M5450/A/12/2178415 and APP/M5450/A/08/2063020

⁴ The London Plan – Intend to Publish version December 2019

Plan (2016), Policy D3 of the emerging London Plan, Core Policy CS 1B of the CS and Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) which amongst other matters seek to ensure that development is of a high quality in relation to its context and the wider environment, has regard to the pattern and grain of existing spaces, and that proposals that have a detrimental impact on local character will be resisted. It would also be at odds with the overarching design aims of the Framework.

Conclusion

19. Taking all matters into consideration, including the representation in support of the proposal, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR