



Appeal Decision

Site Visit made on 16 December 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25/01/2021

Appeal Ref: APP/M5450/W/20/3257600
Hillfield, Mount Park Road, Harrow HA1 3JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr & Mrs V & J Pankhania against London Borough of Harrow.
 - The application Ref P/1785/20, is dated 29 May 2020.
 - The development proposed is erection of a detached outbuilding in rear garden for use as ancillary accommodation (granny annexe).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached outbuilding in rear garden for use as ancillary accommodation (granny annexe) at Hillfield, Mount Park Road, Harrow HA1 3JR in accordance with the terms of the application, Ref P/1785/20, dated 29 May 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed. Nevertheless, a different wording has been entered to that given on the original application. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form in the header above and my formal decision.
3. The Council have indicated that had they determined the application, they would have refused it on the basis that the development's excessive size, bulk and siting would constitute inappropriate development within the Mount Park Estate Conservation Area. In addition, they consider the development would have a detrimental impact on the openness of Metropolitan Open Land and that very special circumstances have not been demonstrated to justify the development.
4. An appeal for a similar form of development on a different part of the site was recently dismissed¹. I have had regard to this important material consideration in the determination of the appeal.

Main Issue

5. On the basis of the above, the main issues in this appeal are the effect of the development on (i) the character and appearance of the area, including the

¹ Appeal reference: APP/M5450/W/19/3242185

Mount Park Estate Conservation Area (MPCA) and (ii) the openness of Metropolitan Open Land (MOL).

Reasons

Character and appearance

6. The appeal relates to the extensive grounds of a large detached dwelling known as Hillfield. The dwelling is a locally listed building within the MPCA. The site also lies within the Harrow on the Hill Area of Special Character. The Mount Park Estate Conservation Area Study (CAS) states that the focus of the MPCA is a number of late Victorian and Edwardian houses, set in spacious and verdant gardens, which imbues the area with a semi-rural character.
7. There is little doubt that Hillfield and its grounds contribute to the special character of the conservation area in this regard. The CAS describes Hillfield as being of a simple Neo-Georgian style, with a wide symmetrical facades and regular fenestration. As with many of the buildings in the area, there is also an influence by the Arts and Crafts style. Some of the building's symmetry has been lost through the introduction of alterations and extensions over time. However, these have not diminished the architectural quality of the building, but rather give it a slightly more organic appearance.
8. There are a number of aspects of this proposal that are directly comparable to that previously considered. The development would still result in an annexe located in the garden of the property. As far as I have been made aware, the design would be similar to the previous proposal, albeit marginally smaller in scale. The main difference is that the siting of the building has been altered so that it no longer sits within the MOL designation. The outcome of this is that the annexe would now sit more adjacent to the main building.
9. The issue of whether the introduction of an annexe would undermine the area's character of large family dwellings in large plots has already been rehearsed. The previous Inspector found that the introduction of an ancillary outbuilding of this approximate scale, appearance and use in the garden would not result in any harm to this fundamental characteristic of the MPCA. The relocation of the building would have no material impact on this consideration. There would still be an ancillary annexe in the garden, there would still be no subdivision of the site and it would take up a similar amount of space. There is nothing before me therefore that would lead me to a different conclusion to the previous Inspector.
10. The Inspector was also satisfied that the building's design was acceptable insofar as it would replicate many of the design features associated with Hillfield. Again, I have seen nothing that would lead me to a different conclusion. The building seeks to reflect the style and materials of Hillfield and the prevailing character of other buildings within the MPCA. The development must also be seen in the context of this being a residential annexe. It is inevitable that such a building would be smaller than the 'host' dwelling. While concerns have been raised about some specific aspects of the building's design, I am satisfied the detailing, including the approach to fenestration, is of a good standard and would not detract from the area as a whole or Hillfield in particular. The design would complement the character of the area and is thus acceptable.

11. Clearly, the change in the proposed position of the annexe would result in a different physical and visual relationship to what was previously considered. Given the previous Inspector's findings, I must consider whether this would have a materially different impact to that he considered acceptable.
12. The development would reduce the space that exists immediately adjacent to one side of the dwelling. However, it would not impact on the fabric of Hillfield itself, nor would it visually compete with the main house. Indeed, it would be of a scale that would ensure subservience. The overall loss of garden space would be slightly less than previously proposed. In that case, the Inspector concluded that the loss would be negligible in the context of the site as a whole and this would not compromise the spacious and verdant setting of the dwelling. Although the annexe would be closer to Hillfield, the difference is not so significant that it would lead me to a different conclusion. The dwelling would still be situated in extensive, verdant grounds and it would not appear cramped in its plot. Furthermore, neither the scale nor architectural quality be diluted by the development. On this basis, I am satisfied there would be no harm to the setting of Hillfield.
13. The development would also avoid any impact on important views within the MPCA, as identified in the CAS. While this document might not be exhaustive, there would be little opportunity to see into the site from publicly accessible locations due to the extensive mature landscaping around the boundary. While this would not necessarily justify an inappropriate form of development, it does ensure that any visual effect would be extremely localised in nature. The development would have no impact on any important trees or hedgerows within or bordering the site. As such, neither the semi-rural character of the area nor the verdant nature of the site would be compromised.
14. When taking the previous Inspector's conclusions, the overall scale of the garden and the scale and design of the annexe into account, I am satisfied that the development would not result in harm to the character, appearance or significance of the MPCA, the Harrow on the Hill Area of Special Character or the setting of Hillfield. Accordingly, there would be no conflict with London Plan (LP) (2016) Policy 7.8, Harrow Core Strategy (HCS) (2012) policies CS1 and CS6, Harrow Development Management Local Plan (HDMLP) (2013) Policy DM7, the CAS or the Mount Park Estate Management Study. Amongst other things, these seek to ensure that development does not result in harm to the character and appearance of the area and its heritage assets.

Metropolitan Open Land

15. Part of the wider appeal site sits within the defined MOL boundary. However, there appears to be no dispute that the development itself would be outside this designation.
16. The policies the Council have referred me to all seemingly relate to development that would take place *within* the MOL. There is no indication that these policies also apply to development outside the MOL, even where a site might be close to the boundary. Therefore, as the development is not within the MOL area then it cannot have any impact on its openness. Furthermore, there is no requirement for 'very special circumstances' to be demonstrated in this context.

17. Accordingly, there would be no conflict with LP Policy 7.17, HCS Policy CS1 or policies DM16 or DM17 of the HDMLP which seek, amongst other things, to resist inappropriate development in MOL.

Other Matters

18. I have noted the concerns relating to the potential for the development to be used as an independent dwelling, that the appellant intends to create a new access and/or seek to develop additional dwellings on the plot. The application is for an annexe. If the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted. The Council has also suggested a condition which would require the use or occupation of the building to be ancillary to the use of the main dwelling. This is a satisfactory way of ensuring the use of the building is tied to Hillfield.
19. Similarly, the creation of a new access and any other form of development would be subject to separate applications. The impacts of these would be considered on their own merits. The potential for such applications is outside the scope of this appeal.
20. I have also noted the concerns that there is insufficient evidence of a need for an annexe. However, the policies referred to me by the Council do not require any 'need' to be demonstrated. There has also been no requirement in this instance to consider the benefits of development against the harm caused.
21. The development would utilise the existing vehicular access. It is unlikely that the use of the building as an annexe would generate a significant number of additional trips. As such, it is unlikely that it would result in any adverse impacts on road safety. The use of the road by construction traffic would be temporary and I saw nothing to suggest this would be inherently unsafe.
22. The annexe would be built on an area of lawn. There is therefore no substantive evidence before me to suggest the development would have any negative impact on local wildlife.
23. The development would be well away from the boundaries of any adjacent dwellings and unlikely to result in any harm to the living conditions of neighbours. Any disruption caused during construction would also be temporary in nature and unlikely to have a lasting impact. There is also no clear evidence that the introduction of an annexe would have any particular impact on infrastructure provision.
24. The Council have referred to an appeal for an extension from 2011. However, they have provided no details of the proposal considered. As such, I cannot conclude with any certainty that this is comparable to the proposal before me. This does not therefore alter my conclusions as to the acceptability of the development, which I have considered on its own merits.
25. Having regard to the above, there are no material considerations that would outweigh my overall conclusion.

Conditions

26. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
27. In the interests of the character and appearance of the area, I have imposed conditions requiring the approval of the details of materials. I have also amended this to remove reference to 'hardstanding' as this will be addressed through the landscaping condition.
28. The Council's suggested condition on landscaping included measures that restricted development beyond the damp proof stage. However, it also included a requirement to submit details of tree retention and protection prior to any demolition or other site works. This is internally inconsistent and thus imprecise. There are a large number of trees within the site, many of which make a positive contribution to the visual amenity of the area. While the Council raises no concerns about any direct impact on the health of trees from the development itself, it is reasonable to be concerned about how they will be protected during construction. This needs to be addressed prior to development commencing and thus I have imposed a condition to this effect. The appellants have confirmed their acceptance of this condition.
29. As a consequence of this, I have amended the Council's suggested condition on landscaping to remove the superfluous wording. I have also made other amendments in the interests of clarity, precision and effectiveness. This includes a clause relating to the maintenance of any scheme to ensure the condition is effective in the longer term.
30. To ensure the site is adequately drained, I have imposed conditions relating to the drainage of the site and sewage disposal. However, the PPG makes it clear that pre-commencement conditions should only be used where there is a clear justification and which is likely to be mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission. This does not appear to be the case here and thus I have amended the suggested wording to require compliance prior to occupation. This will ensure compliance with the relevant tests.
31. Finally, I have imposed a I have imposed a condition limiting the use and occupation of the annexe to ensure the accommodation remains ancillary to the main dwelling. I have made a minor amendment to the wording of the suggested condition in the interests of clarity and precision.

Conclusion

32. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Other than in accordance with conditions 3 and 4, the development hereby permitted shall be carried out in accordance with the following approved plans: FLU.995.01 Rev A; FLU.995.02 Rev A; FLU.995.03 Rev D; FLU.995.05 Rev B; SJA TWP-11089-01a.
- 3) Notwithstanding the submitted details and approved plans, the development hereby permitted shall not progress beyond damp proof course level until samples of the materials to be used in the construction of the external surfaces of the building have been provided to view on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved detailed and shall thereafter be retained.
- 4) No development (including site clearance or preparatory work) shall take place until a scheme for the protection of retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction-Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 5) The development shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained and hard surfacing materials; together with an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before the dwellings are first occupied in accordance with the agreed implementation programme.

Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the first occupation of the dwellings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) The building hereby permitted shall not be occupied until works for the attenuation, storage and disposal of surface water have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The approved works shall thereafter be retained.
- 7) The building hereby permitted shall not be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority. The approved works shall thereafter be retained.

- 8) The building hereby permitted shall not be used or occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse known as Hillfield, Mount Park Road, Harrow HA1 3JR and shall not at any time be used for primary living or letting purposes independent to the main dwellinghouse.