



Appeal Decision

Site visit made on 25 March 2021

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/M5450/W/20/3251749

Land at 29 Heath Road, Harrow HA1 4DA

- 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 Kumar Talpade against the decision of the London Borough of Harrow.
 - The application Ref: P/0167/20 dated 16 January 2020, was refused by notice dated 19 March 2020.
 - The development proposed is described as the demolition of two single garages and the erection of an attached two bedroomed dwellinghouse with one parking space, the use of the existing vehicular access plus a new flank boundary fence plus landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A new London Plan 2021 (LP) was published in March 2021 and this post-dates the Council's refusal notice. This now forms part of the development plan for the area. As part of the determination of this appeal, I afforded the main parties an opportunity to comment on the implications of this change for the purposes of determining this appeal.

Main Issues

3. The main issues are the effect of the development upon (i) the spatial strategy set out in the Development Plan in respect of small-scale residential development on garden land; (ii) the character and appearance of the area; (iii) the impact upon the living conditions of future occupiers in terms of outlook and daylighting and (iv) the availability of the garden area for the occupiers of 29a/29B Heath Road.

Reasons

Spatial strategy and garden land

4. The Local Planning Authority (LPA) refers to the planning history of the appeal site and to aerial photographs with regard to the inclusion of the appeal site as part of the garden land to 29 Heath Road.

5. The Council's Core Strategy 2012 (CS) and its Garden Land Development Supplementary Planning Document 2013 (SPD) establish a clear policy to resist inappropriate garden development and to direct new residential development to the Harrow and Wealdstone Opportunity Area, town centres and to strategic, previously developed sites. The appeal site is not within any of the identified areas, though not all development in garden areas is to be resisted.
6. One exception would be if the proposed development constituted a gap site. In this instance, however, where the proposed development would lie between the property at 29 Heath Road and Drury Road, it does not constitute a space between existing buildings and therefore, I find that it cannot be considered to be a gap. Moreover, the SPD notes that '*side gardens in spacious residential areas....do not constitute the kind of gaps to which this exception applies*'.
7. The appellant refers to many other properties in the immediate area where terraces typically continue until they immediately abut the adjoining roads. However, I have no information before me as to the specific circumstances relating to such development, or when they might have been constructed in relation to the CS and the SPD. Therefore, I have considered the appeal proposal on its individual merits.
8. Policy CS1 of the CS also resists garden development which would be harmful to the character of areas, as does the National Planning Policy Framework 2019 (the Framework). I have found such harm, as explained below.
9. I conclude that the appeal site does not accord with the spatial strategy for new residential development including the development of garden land, contrary to policy CS1 A and CS1 B of the CS and the SPD. While policies H1 and H10 of the LP encourage an increase in housing supply, I have no information before me to indicate that the Council cannot demonstrate a 5-year supply of deliverable housing land, in accordance with its CS and SPD. In addition, while LP policy H2 supports the development of well-designed, small sites, I have concluded that the proposed development would not represent good design.

Character and appearance

10. Heath Road is characterised on its northern side by two-storey, terraced properties with double fronted bays with steeply pitched gables above. Frontages are a mix of brick and white render and with generally unbroken pantile roofs of a constant height with chimney stacks. Dwellings have a generally uniform width with a repetitive pattern. The building comprising Nos. 29/29A Heath Road is somewhat wider than the other properties and has a taller bay. However, the differences are not of such a magnitude that they are very apparent or conspicuous when viewing the terrace as a whole. The dwellings are set back from the road by a uniform distance.
11. The proposed development does not follow the aforementioned design characteristics of the existing adjoining terraced dwellings. There is no double fronted bay or any architectural reference to it, and the roof height does not conform to that of the adjoining properties, being set down and set back. It would have an unacceptably noticeable narrower width to the rest of the dwellings, especially to the property immediately adjoining it, and while this

would give the existing mature tree on the site more space, this would not overcome the identified harm.

12. It would be set back from Heath Road by a similar amount to the rest of the properties and the use of part of the land for off-street parking would be compatible with the similar use of other front amenity spaces. To this extent, the proposal would be acceptable.
13. For the reasons outlined above, I find that, when the proposal is considered as a whole, it would form an incongruous addition which would jar with the general uniformity of the adjoining terraced properties, thereby resulting in a significantly adverse impact upon the character and appearance of the area.
14. I therefore conclude that the proposed development would not conform with policy CS.1B of the CS; policies DM1 and DM22 of the Brent Development Management Policies Local Plan 2013 (DMPLP); the SPD or with paragraph 127 of the Framework which all require good design.

Living conditions

15. The proposed window to bedroom No. 2 would be small and would have obscure glass. The window to the proposed study would also be small though I do not consider its outlook to be oppressive. However, I find that the use of obscure glass for the bedroom would have the effect of creating a very oppressive and gloomy room with a consequent poor level of outlook.
16. I therefore conclude that the proposed development would not accord with the design requirements of policy DM1 of the DMPLP, the Harrow Residential Design Guide 2010 or paragraph 127 of the Framework.

Garden area to 29A/29B Heath Road

17. While the proposed development would incorporate part of the amenity space currently associated with the adjoining property, there would remain with the latter a similar amount to that of other adjacent properties. Moreover, the appellant notes that the occupiers of the flat on the upper storey do not have access to the rear amenity space and, in this regard, the proposed development would not change this.
18. For the above reasons, I conclude that the proposed development would not be contrary to DMPLP policy DM1, or with the SPD which aim to secure a high standard of design.

Other Matters

19. The appeal scheme would provide one additional dwelling to the supply of housing in the area. While this is a positive material planning consideration, there is no evidence before me that the local planning authority cannot demonstrate a deliverable five-year supply of housing sites, or that the Housing Delivery Test has not been met. In this context, the relatively limited, albeit positive contribution to the supply of housing in the area would not be sufficient to outweigh the harm identified in terms of my conclusions on some of the main issues.

Conclusion

20. I have concluded that the proposed development would conflict with the development plan in terms of housing strategy and the use of garden land and would also have an adverse impact upon the character and appearance of the area. There are no identified material planning considerations which outweigh the conflict with the development plan. Therefore, I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR