



Appeal Decision

Site visit made on 26 January 2021 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/M5450/D/20/3260952

4 Spring Lake, Stanmore, HA7 3BX

- 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 Auro Trading Investments Est against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4049/19, dated 17 September 2019, was refused by notice dated 7 August 2020.
 - The development proposed is a single storey outbuilding in rear garden; hard and soft landscaping; timber decking in rear garden; installation of bridge in rear garden.
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Decision

1. The part of the appeal that relates to the single storey outbuilding is dismissed.
2. The part of the appeal that relates to the landscaping, the decking and the bridge is allowed and planning permission is granted for the hard and soft landscaping, timber decking in rear garden, and retention of bridge in rear garden at 4 Spring Lake, Stanmore, HA7 3BX, in accordance with the terms of the application Ref P/4049/19, dated 17 September 2019, and plan nos. 1708/NMA/02SP/04 Revision A; 666-E804 Revision: 03; 666-E805 Revision: 03; 666-RG10 Revision: 01; 666-RG10 Revision: 02; 666-RG10.1 Revision: 01; 666-RG100 Revision: 01; 666-RG100.1 Revision: 02; 666-RG 101 Revision: 01; 666-RG102 Revision: 01; 666-RG350 Revision: 02; 666-RG900 Revision: 02; 666-RG950 Revision: 01 in so far as they relate to the landscaping, decking, and bridge.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

4. On my site visit I observed that most of the works had been carried out except the glazed walls and ceiling enclosing the sunken seating area. I have therefore considered the proposal on a part-retrospective basis.
 5. The description of development used in the header above is that used in the Council's decision notice as it describes the proposal more accurately and concisely than that description given on the application form.
 6. Since the submission of the appeal, a new London Plan (2021) has been adopted and policies 7.6B and 7.16 of the previous London Plan (2016), quoted
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by the Council in their decision notice, now carry no weight. The Council have not advised if any policies in the new London Plan are relevant to this appeal, and so the only development plan policies I have had regard to are those in the Harrow Development Management Policies Local Plan (the 'local plan') and the Harrow Core Strategy (the 'Core Strategy').

Main Issues

7. The Council's decision notice and their officer report raise no objection to the bridge, the timber decking or the landscaping. I have therefore focussed my decision on the single storey outbuilding. Therefore, the main issues are:
 - Whether the single storey outbuilding would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
 - The effect of the single storey outbuilding on openness;
 - the effect of the single storey outbuilding on the living conditions of the occupiers of neighbouring residents with regards to privacy and noise; and
 - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether the development would be inappropriate development

8. The appeal site accommodates a large detached dwelling located in an established residential area within the Metropolitan Green Belt. The dwelling sits within a large plot and features soft and hard landscaping, a contemporary footbridge over a small stream within the rear garden, as well as a sunken seating area and timber decking adjacent to the eastern boundary of the site. The site's boundaries are well-screened with tall and mostly evergreen conifer trees.
9. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy DM16 of the local plan is broadly consistent with this in that it states that proposals for inappropriate development in the Green Belt will be refused in the absence of clearly demonstrated very special circumstances. The policy does not however give a list of exceptions.
10. The sunken seating area is located towards the rear of the large rear garden site and hence is a significant distance from the main dwellinghouse. The appellant points out that many other houses nearby have swimming pools in their rear gardens also at a considerable distance from the main house. These commonly benefit from permitted development rights as they are often considered incidental to the enjoyment of the dwellinghouse. The appellants have stated the covered sunken seating area would be for recreational uses incidental to the dwellinghouse, and hence is akin to a swimming pool in this respect.

11. However, whilst I agree that the covered seating area and its surrounding structure, would undoubtedly be incidental to the enjoyment of the dwelling, that does not necessarily render it an extension to the dwelling for Green Belt purposes. The appellant draws my attention to the *Sevenoaks District Council v Secretary of State for the Environment and Dawe (1997)* judgement, where it was found that an extension to a dwelling need not necessarily be physically attached to the dwelling and that it could include 'normal domestic adjuncts'. Whilst normal domestic adjuncts are not defined I consider they should have a close physical relationship with the main house such that visually they would appear grouped with the main house. In this case the covered seating area would be at the bottom of the garden and separated from the main house by a watercourse as well as an extensive garden area.
12. As such, the proposed covered sunken seating area would not constitute a 'normal domestic adjunct' and therefore is not an extension or alteration of a building as per paragraph 145 (c) of the NPPF. It would therefore constitute inappropriate development in the Green Belt and would conflict with Policy DM16 of the local plan, Policy CS1 of the Core Strategy, and the NPPF which together seek to restrict proposals for inappropriate development in the Green Belt.

Openness

13. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The increased built form as a result of the erection of the covered seating area would have an adverse effect on the openness of the Green Belt in a spatial sense, despite its glazed and lightweight design. This spatial impact on openness would result in limited harm to the Green Belt.
14. Due to the heavily vegetated boundaries and its location within the rear garden of the property, the proposed outbuilding would not be visible from Spring Lake or from neighbouring properties. Its secluded position therefore means it would not have a visual impact on the Green Belt. Nonetheless, the limited spatial harm to the openness of the Green Belt should be given substantial weight as set out in paragraph 144 of the NPPF.

Living conditions

15. No. 7 Hall Farm Close is located to the east of the appeal site at approximately 10m away from the boundary. It also lies on higher ground when compared to the appeal site. The common boundary separating No. 7 from the appeal site is heavily vegetated with tall coniferous trees and bushes that would offer a significant amount of screening even during the winter months. Although the proposed sunken seating area would feature considerable amounts of glazing in close proximity to the boundary, it is considered that the separation distance to No.7 and the thick evergreen vegetation along the eastern boundary would not allow for any harmful overlooking. Furthermore, there is nothing to suggest that the recreational use of the area and associated noise would exceed what would normally be expected in a residential garden or lead to an adverse impact on the nearby occupiers.
16. I note the objection from the neighbour at No. 5 Spring Lake, however I find that due to the siting of the sunken seating area at a considerable distance from No.5, there would be no unacceptable impact on the living conditions of

the occupiers of No.5 with regards to a loss of privacy. I therefore concur with the Council in this instance.

17. Given the above, the proposal would not result in a visually intrusive form of development and would not adversely impact the living conditions of the neighbouring occupants with regards to privacy and noise. It would therefore not conflict with Policy DM1 of the local plan and Policy CS1 of the Core Strategy which together seek to ensure proposals are well-designed and not detrimental to the privacy and amenity of neighbouring occupiers.
18. Also, although the proposed covered seating area would feature large windows sited within 3m of a boundary, I have found that the proposal would not harm amenity and so would tie-in with the general thrust of the 'Residential Design Guide' Supplementary Planning Document which seeks to ensure that proposals do not result in any significant loss of privacy to neighbouring properties.

Other considerations

19. The NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this regard, I do not find any other considerations which clearly outweigh the harms to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the covered seating area in the Green Belt do not exist.

Conclusions and Recommendation

20. Although the covered seating area would not harm the living conditions of the neighbouring residents, it would represent inappropriate development in the Green Belt. It would fail to accord with the development plan as a whole and there are no material considerations that indicate that the decision on that part of the development should be made other than in accordance with the development plan. Therefore, I recommend the appeal should be dismissed in so far as it relates to the single storey outbuilding.
21. However, no objection is raised by the Council in respect of the other works, namely the hard and soft landscaping, the timber decking and the installation of the bridge, and I have no reason to come to a different view. Therefore, I recommend the appeal is allowed in so far as it relates to these other works.

Conditions

22. With regard to the hard and soft landscaping, the timber decking and the installation of the bridge, I have considered the Council's suggested planning conditions. As these parts of the proposal have already been undertaken there is no need to impose the standard commencement of development condition, nor is there a need for the materials to match the main building. Also, the decision includes direct reference to the approved plans for certainty. The suggested condition relating to planting around the covered seating area is not necessary as that part of the development has not been permitted.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed in so far as it relates to the hard and soft landscaping, the timber decking and the installation of the bridge, but dismissed in so far as it relates to the single storey outbuilding.

Andrew Owen

INSPECTOR