

Appeal Decision

Site visit made on 18 May 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2021

Appeal Ref: APP/M5450/W/20/3258877

Land to the rear of 123-135 Whitchurch Lane, Edgware HA8 6NZ

- 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 Mrs Michelle Bean of Xstro Investments Ltd against the decision of the Council of the London Borough of Harrow.
The application Ref P/0089/20, dated 10 January 2020, was refused by notice dated 6 March 2020.
 - The development proposed is for the redevelopment of the site to provide 9no. 2-storey, 3-bedroom houses together with associated access, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and precision, I have taken the name of the appellant from the appeal form as it is more accurate than the name given on the application form.
3. The London Plan 2021 (LonP) has been published by the Mayor during the course of this appeal. The LonP comprises the spatial development strategy for London and is now part of the development plan, to which I attribute full weight to its policies. Both main parties have had the opportunity to comment on any implications for the appeal. Additionally, whilst not cited on the Council's decision notice, Policy CS1X of the Harrow Core Strategy 2012 (CS) and LonP Policy D6 has been provided by the Council in its Questionnaire. Therefore, I will not prejudice any party in taking the LonP, including LonP Policy D6 and CS Policy CS1X into account in the determination of this appeal.

Main Issues

4. The main issues of this appeal are the effect of the proposed development on:
 - i. the character and appearance of the appeal site and surrounding area;
 - ii. the effect on the living conditions of neighbouring residents;
 - iii. whether future occupiers would have satisfactory living conditions; with particular regard to natural light and outlook at Plot no's 3 to 5; and ,
 - iv. the arrangements for servicing, storage and collection of waste and recycling material.

Reasons

Character and appearance

5. The appeal site comprises a vacant parcel of land amounting to 2319m² in area. The site is located to the rear of Whitchurch Lane, which is located towards the south of the site, where properties traditional semi-detached houses are located. Towards the north and east of the site are flat roofed 3-storey blocks of flats. Towards the west are a series of single storey garage blocks with residential development beyond on Whitchurch Gardens, comprising 2-storey semi-detached houses and a block of 3-storey flats with a dual pitched roof that turns the corner onto Whitchurch Lane. The character of the site is very much contained by the existing surrounding development and views of the site are very limited from areas within the public realm. Vehicular access would be taken from Whitchurch Lane, whilst a pedestrian access would be provided to Whitchurch Gardens.
6. I accept that the design of the proposed development would be different to the existing surrounding residential units. However, I do not consider that the 'mews' style of development on the site, would create an incongruous form of development, due to the variety of dwelling types in the locality and its limited visual connection with the public realm. Furthermore, the layout of the proposed development positively responds to the constraints of the site in a simple and logical manner.
7. The proposed development would not appear cramped in its appearance and the amount of hard standing in the communal area is broken up by a number of areas of landscaping, relative to the size of the individual properties. In any event, providing that a suitable material of sufficient quality was installed as the surface to the communal area, it would ensure that it would not become a negative feature within the proposed development. The modern appearance and the form of the residential units are innovative and express a high level of quality in their design, which would also complement the site and the surrounding area.
8. For the reasons given above, I therefore conclude that the proposed development would not harm the character and appearance of the appeal site and the surrounding area. This would comply with the design, character and appearance aims of LonP Policy D1, D3; Policy CS1.B of the Harrow Core Strategy 2012 (CS), Policy DM1 of the Harrow Council Development Management Policies 2013 (DMP), the Council's Supplementary Planning Document – Residential Design Guide 2010 (the SPD) and the requirements of the National Planning Policy Framework (the Framework).

Living conditions of neighbouring residents

9. The block containing Plots no's 6 to 9 would be sited approximately 4m from the shared boundary with the properties on Whitchurch Lane. This would comprise the rear garden area of this part of the proposed development. Given the distance from the windows of the neighbouring properties and the proposed development, I agree that the distance maintained between the windows of the proposed development and the rear windows of the existing properties on Whitchurch Lane would result in an acceptable relationship. Neither, would the proposed development appear unduly dominant to neighbouring occupiers on

Whitchurch Lane, given the overall scale and dimensions proposed at plots 6 to 9, which would result in a 2-storey development relatively modest in scale.

10. The proposed terrace proposed at Plots no's 6 to 9 would serve and be accessed from the respective bedrooms in the units. Given the modest length of garden area to the rear of Plot no's 6 to 9, there would be an ability to view the rear garden areas of the properties on Whitchurch Lane. There would be some relief from the shared boundary treatment itself and the structures present at some of the properties. Whilst, I acknowledge the design of the terraces incorporating integral planters and the suggestion to reducing the depth of the terraces, I am not convinced that the current approach would ensure the level of privacy currently afforded by existing residents would be maintained.
11. The adjacent garden areas would be clearly visible from the proposed first floor terraces of the proposed development and due to their proximity and elevated position, would overlook the garden areas of properties located on Whitchurch Lane. The ability to overlook these garden areas would result in a significant loss of privacy to the occupiers of these properties. Whilst, I accept that the internal configuration of the proposed houses would likely result in the terraces being used less frequently than if access was taken from other parts of the house, this would not provide suitable mitigation to overcome the concerns raised. Accordingly, I find that a suitably worded condition could not be imposed in this instance, to ensure that otherwise unacceptable development could be made acceptable.
12. Plot no's 3 to 5 would be sited close to the shared boundary with Dudley House (DH) to the north of the proposed development. The area between the proposed development and the residential block of DH, comprises part of the communal gardens to DH, which increases in depth from behind Plot 3 towards Plot 5, due to the tapering nature of the garden area and the location of DH. On this shared boundary is mature vegetation and trees, largely in the control of DH.
13. In any event, I consider that the design of Plots no's 3 to 5 would be sufficient to prevent any significant harm to residents of DH from either within the building or on their ability to enjoy the communal garden area. Plot's 3 to 5 would have a single aspect at first floor, where no windows would be sited on their rear elevation. Furthermore, the rear roof slope on the proposed development would give Plots no's 3 to 5 the appearance of a 1.5 storey dwelling. Thus, these design features would ensure that the proposed development would not dominate or enclose DH or its communal garden area.
14. For the reasons given above, I therefore conclude that the proposed development would harm the living conditions of neighbouring residents, particularly those present on Whitchurch Lane. This would be contrary to the amenity aims of LonP Policy D1, DMP Policy DM1, the SPD and the requirements of the Framework.

Living conditions of future occupiers

15. Plot no's 3 to 5 would be 1.5 storeys in form and appearance, with the first floor having a single aspect out of the front elevation of the dwelling onto the communal area beyond. LonP Policy D6 Part C states that housing development should maximise the provision of dual aspect dwellings and normally avoid the

provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3, optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating. In this instance, I consider the proposed development amounts to such development listed above and is acceptable due to the proposed development providing a notable amount of glazing and openings on the proposed front elevations of Plot no's 3 to 5 to ensure sufficient ventilation and light. Additionally, I note that a roof light would be provided to each of Plot no's 3 to 5 that would provide an additional source of natural light to the rear internal areas at first floor of the proposed development.

16. For the reasons given above, I therefore conclude that the proposed development would provide satisfactory living conditions for occupiers at Plot no's 3 to 5. This would comply with the amenity aims of LonP Policies D3, D4, D6; DMP Policy DM1, the SPD and the requirements of the Framework.

Servicing, storage and collection of waste

17. The provision of 2no. areas for the storage and collection of waste is not the considered preference of the Council as it asserts that as the units in the proposed development would compromise family units, each unit should have their own bins. The Council have directed me towards Part E of LonP Policy D6, which states that Housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste. I have taken into account the comments from the Council's Waste Officer, on this issue but these are not substantive.
18. Overall, there is little before me to convince me that the 2no. collection areas as shown on the submitted drawings could not provide the required waste and recycling storage and collection areas for the proposed development. I accept that the approach from the appellant to waste storage and collection is not likely to represent a conventional approach by the Council. Nonetheless, there is little reason before me to suggest that the approach towards waste collection and storage proposed by the appellant would not be suitable for the proposed development. In any event, I find that a suitably worded condition could be imposed in this instance, to ensure that otherwise unacceptable development could be made acceptable.
19. For the reasons given above, I therefore conclude that the proposed development would provide satisfactory arrangements for servicing, storage and collection of waste and recycling material. This would comply with the service and amenity aims of LonP Policies D4, D6; CS Policy CS1X; DMP Policy DM1, and the requirements of the Framework.
20. CS Policy CS1R has been cited on the Council's decision notice. However, this policy appears to relate to parking in new development and therefore I find it is not directly applicable to the case before me.

Other Matters

21. The Council has raised concerns surrounding the location of Plot no's 1 and 2 in the proposed development and the proximity to the shared boundary of the

adjacent site, asserting that it would prejudice development of the neighbouring site. On the evidence before me there have been no schemes put forward for the neighbouring site, or any evidence to suggest the likelihood of its development at any point in the near future. Therefore, I find that little evidence has been submitted to substantiate refusal reason no.3 on the Council's decision notice. Thus, I conclude that the proposed development complies with the development objectives contained within the development plan, including DMP Policy DM1 and the SPD. In this respect, the proposed development would also accord with the requirements of the Framework.

22. In addition to those matters considered above, neighbouring occupiers and other interested parties have expressed a wide range of concerns including, but not limited to the following: increase in vehicular traffic, parking, loss of day/sunlight to surrounding properties, including Dudley, Kent and Hereford Houses, overpopulation and anti-social behaviour, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
23. Additionally, any potential damage to property or ownership issues would be a private matter between the relevant parties and not within my jurisdiction. I have considered this appeal on its own merits and concluded that the proposed development would be unacceptable for the reasons set out above.

Planning Balance

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
25. Whilst I accept the absence of other harm arising from the proposed development and the provision of what is likely to be family homes would generate notable additional social benefits. In addition, there would be notable economic benefits for the locality, both during construction and occupation of the dwellings. However, given my findings on the main issues, the proposed development would result in significant harm to the living conditions of existing residents on Whitchurch Lane.
26. Whilst I acknowledge the factors in favour of the proposed development, these considerations do not outweigh or overcome the harm that I have identified on the main issues. Consequently, the scheme would not accord with the development plan when considered as a whole and the evidence does not indicate a decision other than in accordance with the development plan would be justified.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR