



Appeal Decision

Site visit made on 19 May 2021

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/M5450/C/20/3265694

17 Glanleam Road, Stanmore HA7 4NW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Ketan Patel against an enforcement notice issued by the Council of the London Borough of Harrow.
- The enforcement notice, numbered ENF/0297/19/P, was issued on 9 December 2020.
- The breach of planning control as alleged in the notice is *Without planning permission, the unauthorised construction of a glass car parking structure in the front garden ("the Unauthorised Development")*.
- The requirements of the notice are to:
 - (i) Demolish the Unauthorised Development
 - (ii) Remove from the Land all materials and debris arising from compliance with the requirement stated at paragraph 5(i) of this notice.
- The period for compliance with the requirements is three (3) calendar months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed and the enforcement notice upheld.

Main Issue

1. The main issue concerns the effect of the development on the character and appearance of the local area.

Reasons

2. Permission for the same development that is the subject of the instant appeal was refused by the Council in February 2020 and subsequently dismissed on appeal shortly before the enforcement notice was issued. The appeal raises no new matters nor any material change in circumstances that might now indicate a different outcome. The previous Inspector assessed the development to be harmful to the character of the area and contrary to national policy as well as to the development plan policies cited in his report and now referred to by the appellant, namely Policy 7.4B of the London Plan 2016, Core Policy CS1.B of the Harrow Core Strategy 2012 and Policy DM1 of the Harrow Development Management Policies Local Plan 2013. Like the previous Inspector I find the development to be harmful, and contrary to those policies for the reasons he gave.
3. The only substantive difference between then and now is that the London Plan 2016 has now been superseded by the London Plan 2021, with the replacement of policy 7.4B. The aim of this policy continues to be reflected in the new 2021 London Plan, principally by policy D3 which similarly seeks development to enhance local context and respond to existing character. I find nothing in the

supervening London Plan to lead me to a conclusion different from that reached by the previous Inspector.

4. The Metropolitan Police officer's correspondence of 2018 pre-dates the previous appeal decision and is addressed to the question of installing security gates rather than the development that is the subject of the present appeal. Like the previous Inspector I do not find that the development as a security measure justifies a decision otherwise than in accordance with the development plan for the area.
5. I am conscious that the appellant's human rights are engaged by my decision, as has been drawn to my attention, but am satisfied that the interference resulting from the enforcement notice is proportionate having regard to the interests that the relevant planning policies seek to protect, namely the achievement of high quality design in concordance with the local character. I am also conscious that the development has attracted positive comments from a neighbour. I do not disagree that the structure is a practical solution to the housing of a car where the house has no other garage, but am unable to find that this modest benefit, whether alone or together with the other benefits cited in its favour, overcomes the harm to the character of the area or the conflict with the development plan for the area.

Conclusion

6. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

7. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Laura Renaudon

INSPECTOR