
Appeal Decision

Site visit made on 31 August 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2021

Appeal Ref: APP/M5450/D/21/3272601

13 Canons Drive, Edgware HA8 7RB

- 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 Edwin Solomon against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4110/20, dated 12 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is outbuilding at rear for use as store; extension and re-surfacing of driveway; installation of 0.900m high front boundary planter wall (demolition of front boundary wall (retrospective)).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the application the Mayor's London Plan 2021 (LP) has been adopted. The Council has advised that the Policies from the London Plan 2016 would be replaced by the new LP once adopted. I have therefore considered the development against the relevant policies of the new LP.
3. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the Canon Park Conservation Area.

Reasons

5. The appeal site comprises of a two storey semi-detached dwelling that occupies a prominent corner plot at the junction of Canon Drive and Chestnut Avenue within the Canon Park Conservation Area (CA) and the setting of the Grade II listed Canon Park registered park and garden.
6. Canons Drive is a mature well-established residential street characterised by large, high quality, interwar detached and semi-detached houses built in a "Tudor revival" style on generous plots. The setting of the CA is spacious,

green and sylvan with mature street trees, wide verges, boundary hedgerows and attractive mature gardens visible from the street. The significance of these features to the CA can be readily appreciated within the immediate vicinity of the site. The properties on the corner plots are set back from the road behind a front garden/driveway with low walls, hedges or soft landscaping up to and defining the street edge that provide some visual containment.

7. The appeal site has an extensive planning history including the unauthorised removal of a brick side boundary wall along the frontage of the site adjacent to Chestnut Avenue. The proposal would involve re-profiling and re-surfacing of the driveway and the installation of 2.6m wide by 0.9m high brick planter wall along the side boundary with two vehicular accesses into the site. The driveway would be extended and increased in height by approximately 0.39m involving the removal of a narrow strip of lawned area and two steps at the front doorway for ease of access. The proposal also includes a new timber outbuilding at the rear of the site.
8. Although the re-profiling and the small extension of the new driveway would not result in conditions too dissimilar to the existing arrangements at the front of the appeal property, the loss of the pre-existing side boundary wall and the scale, layout and non-traditional form of the new boundary wall would nevertheless result in an uncharacteristic addition in this location. Such positioning of the new driveway, close to the back edge of the footpath, together with the limited enclosure afforded by the new boundary treatment, would accentuate the visibility and dominance of the new driveway and associated parking arrangements in the streetscene.
9. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Canon Drive and Chestnut Avenue. As such, I consider the proposed development, by virtue of its scale, siting and design, would result in an incongruous and out-of-keeping addition that adversely harms rather than positively contributes to the character and appearance of the area.
10. I have considered the appellant's arguments that the design and layout of the proposed development has been carefully considered to take into account the Council's pre-application advice and to minimise any adverse impacts on the area. However, the Council are not bound by the officer's pre-application advice in making their final decision and whilst the use of materials and the landscaping would assist in integrating the development with the area, these aspects do not overcome the adverse effects outlined above.
11. Given the location of the appeal site within the CA and the setting of the registered park and garden; special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area and its setting. I consider that the development, by virtue of its scale, siting and design, would have a negative material impact and would fail to preserve or enhance the CA and the setting of the registered park and garden.
12. Given the modest scale of the proposed development, the harm would be less than substantial but in accordance with paragraph 202 of the National Planning Policy Framework 2021 (the Framework), that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide

the proposed development to assist with appellant's family accessibility needs and secure its optimum viable use. However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.

13. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area including the Canon Park Conservation Area. It would be contrary to the overall aims of Policies D1 and HC1 of the London Plan 2021, Core Policy CS1.B and D of the Harrow Core Strategy 2012, Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan 2013 and the Council's Canon Park Conservation Area Appraisal and Management Strategy 2013. These policies and guidance, amongst other things, seek to ensure that new development demonstrates a high quality design that respects and responds positively to the local character and distinctiveness of the area; preserves or enhances the character and appearance of the conservation area and conserves and enhances the significance of heritage assets and their setting.
14. In addition, the proposal would not accord with the Framework that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130) and that sustain and enhance the significance of heritage assets (paragraph 197).

Other Matters

15. I have considered the appellant's comments, including the medical evidence, regarding the family's personal circumstances and the benefits to the family arising from the proposed development. I have considerable sympathy for the appellant's circumstances. The courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent development is intended.
16. I note the appellant's comments regarding the various benefits arising from the proposal including the scheme's high quality design and to meet the accessibility needs of the appellant's family. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR