



Appeal Decision

Site Visit made on 6 September 2021

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/M5450/W/21/3269611

Christ Church, Roxeth Hill, Harrow HA2 0JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by The PCC of Christ Church Roxeth against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4203/20, dated 11 November 2020, was refused by notice dated 26 January 2021.
 - The application sought planning permission for 'extension and resurfacing of existing rear hardstanding, erection of one shed and replacement of one shed' without complying with a condition attached to planning permission Ref P/3648/19, dated 16 March 2020.
 - The condition in dispute is No 3 which states that:
The materials to be used in the replacement and construction of the hard landscaping area hereby permitted shall be Euroflex tiles in Grey. The hard landscaping shall be retained in that form thereafter.
 - The reason given for the condition is:
To safeguard the character and appearance of the conservation area and the setting of the listed building in accordance with Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013).
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Decision

1. The appeal is allowed and planning permission is granted for extension and resurfacing of existing hardstanding, erection of one shed and replacement of one shed in accordance with the application Ref. P/4203/20, dated 11 November 2020, without compliance with condition number 3 previously imposed on planning permission Ref. P/3648/19, dated 16 March 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from 16 March 2020.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Detailed Location Plan; 010; 011 Rev B; 012; 013; 014; Design and Access Statement; Flood Risk Assessment; Heritage Statement.
 - 3) The materials to be used in the replacement and construction of the hard landscaping area hereby permitted shall be Euroflex tiles in rust/red. The hard landscaping shall be retained in that form thereafter.

Preliminary Matters

2. The London Plan 2021 (the LP 2021) was published by the Mayor of London on 2 March 2021, and this post-dates the Council's refusal notice. The LP 2021

comprises the spatial development strategy for London and thus it forms part of the development plan for decision-making purposes. The LP 2021 supersedes the London Plan 2016. Furthermore, the Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021.

3. It is incumbent upon me to take into account the most up to date information in reaching a decision. I have, therefore, had regard to both the LP 2021 and the revised Framework in my decision. I am satisfied that this has not prejudiced the main parties as they have had the opportunity to address this during the course of the appeal proceedings.
4. From the evidence before me, and from my own observations on site, the area of hardstanding appears to be located to the side of the Church rather than to its rear. Therefore, I have considered the appeal on this basis and to avoid any ambiguity regarding the location of the hardstanding, I have removed the word 'rear' from the description of development in my formal decision.

Background and Main Issue

5. Planning permission was granted to allow the replacement and extension of an existing area of hardstanding within the grounds of Christ Church, a Grade II listed building located within the Roxeth Hill Conservation Area. Condition 3 of that permission restricts the paving material to that of grey Euroflex tiles. The LPA considers the condition to be necessary to safeguard the character and appearance of the conservation area and the setting of the listed building. The appeal seeks to vary the condition to allow the use of rust/red coloured Euroflex tiles.
6. The main issue is, therefore, the effect that varying the condition would have on the character and appearance of the Roxeth Hill Conservation Area and the setting of the listed building.

Reasons

7. The appeal relates to an area of outdoor space to the side of the church and church hall. The area is predominantly used for organised children's activities and consists of an area of paving surfaced with grey concrete pavers and landscaping mainly laid to lawn.
8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest it possesses. Furthermore, section 72 of the same Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. I have therefore considered the appeal scheme in light of these weighty statutory duties.
9. The Roxeth Hill Conservation Area (the CA) has a leafy feel due to a combination of tree-lined streets and an abundance of dense private trees, shrubbery and open spaces. A diverse palette of materials can be found throughout the CA ranging from flint and slate through to red brick and red roofing tiles. Dating from 1862, Christ Church is a Grade II listed building in recognition of its architectural and historic interest. Set back from the main road and surrounded by greenery, the building's significance is largely derived from its unique architectural style constructed of small flint, sandstone and buff brick with a spirelet towards the west end of the nave with clock insert.

10. As part of an area of landscaped garden surrounded by mature planting and trees, the appeal site makes a positive contribution to the character and appearance of the CA. It also forms part of the setting of the listed building. However, views of the church from the paved area are largely obscured by the unsympathetic 1970s extension that created the church hall and which the paved area serves. In this context, the appeal site makes a limited contribution to the significance of the listed building.
11. The proposal would see the existing grey concrete pavers replaced by rust/red coloured pavers and the area of paving extended. Given the variety of materials found in the locality, the use of rust/red coloured pavers would not be out of keeping with the character of the surrounding area. Furthermore, the proposed material would be of a subtle tone that would not result in an obtrusive or visually discernible feature. It would therefore have a neutral effect on the CA and would not detract from the setting of the listed building or its significance as a heritage asset.
12. For these reasons, I conclude that the variation of the condition as proposed would preserve the character and appearance of the Roxeth Hill Conservation Area and it would preserve the setting of the listed building. It follows, therefore, that I find that the proposal complies with Policies D1 and D3 of the LP 2021, Policy CS1 B of the Harrow Core Strategy (2012), Policies DM 1 and DM 7 of the Harrow Council Development Management Policies (2013) and the associated policies of the Framework. Together these policies seek to achieve high standards of design and require all development to respond positively to the local and historic context, including the conservation or enhancement of the historic environment.

Conditions

13. For clarity, I have made a minor amendment to the standard timescale condition for commencement and cited the date from which the original consent was granted. A condition listing the approved plans and documents is necessary to provide certainty. I will delete the disputed condition no.3 and replace it with a new condition to allow for the change in material used for the paving, as indicated above.

Conclusion

14. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should succeed.
15. I shall therefore allow the appeal and grant a new planning permission without the disputed condition but substitute it for another and subject to two further conditions, as set out in my formal decision.

J M Tweddle

INSPECTOR