



Appeal Decision

Site Visit made on 2 July 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2021

Appeal Ref: APP/M5450/W/21/3267264

11 Canons Drive, Edgware HA8 7QS

- 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 Path Giri against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3272/20, dated 2 September 2020, was refused by notice dated 5 January 2021.
 - The development proposed is new build 3 bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the planning application, the Government published the National Planning Policy Framework 2021 (the Framework). The Mayor of London also published the London Plan 2021 (the London Plan). I sought comments from the main parties with regards to these matters and I have taken these into account in determining the appeal.
3. The Council's decision notice and the appeal form both provide the same post code for the appeal site, HA8 7QX while the address in the banner header above has been taken from the application form. There is a small discrepancy, therefore, between these documents with regard to the postcode, but this is not material to my determination of the appeal proposal.
4. The Council's refusal reason refers to the effect of the proposal on the Canons Park Conservation Area. The Draft Conservation Area Appraisal & Management Strategy Canons Park Estate, Consultation 2013 (CAAMS), refers to the Canons Park Estate Conservation Area, as does the Canons Park Estate Conservation Area Designation and Policy Statement 1990. Consequently, that is how I shall refer to the conservation area in my decision.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area, with particular regard to its conservation area location;
 - the living conditions of the occupants of Nos 9 and 11 Canons Drive with particular regard to overlooking and outlook; and,
 - whether the appeal site would provide a suitable location for housing.

Reasons

Character and appearance

6. The appeal site is located in the Canons Park Estate Conservation Area (CA). Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that, in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area.
7. The significance of the CA derives, in part, from its openness, quality of architecture and landscaping with its layout and the spaces around buildings contributing positively to its character and appearance. The presence of trees, including in private gardens, also contributes to its character and appearance providing an attractive and tranquil setting for dwellings.
8. Canons Drive has a sylvan quality due to its wide nature with buildings set back from the highway and the presence of tall trees along the road. The properties along the section of Canons Drive in which the appeal site is located have largely rectangular plots with large rear gardens that contribute to the area's open and tranquil character and appearance. Dwellings along Chestnut Avenue are set back behind front gardens and also have largely rectangular, long rear gardens.
9. The proposed dwelling would sit close to the side boundaries with No.9 Canons Drive and No.1 Chestnut Avenue and forward of the building line of properties on the east side of that road. Due to its siting, in conjunction with its depth and width, the proposed dwelling would appear as a cramped form of development and would diminish the open character of the appeal site. Moreover, as a form of backland development the proposal would fail to respect the prevailing form and grain of development in the area. As such, It would appear as an incongruous addition to the area and would diminish the contribution the appeal site makes to the character and appearance of the CA.
10. Although the proposed dwelling would have a similar style to other dwellings in the area, it would have a fairly plain design. The form and detailing of properties in the area, particularly those in the Tudor revival style, provide visual interest that contributes to the character and appearance of the CA. The proposed dwelling would not benefit from the same degree of detailing and would appear as a largely uninteresting building by comparison. Thus, it would fail to respond sympathetically to the character and appearance of the CA.
11. The area to the front of the proposed dwelling would be used for parking and to provide access to the garage. The heritage statement indicates that this area would be laid to hard standing with permeable interlocking bricks or blocks. While some planting is shown along the boundary, the provision of hard standing in this area would result in an additional loss of green space and would further diminish the contribution that the appeal site makes to the character and appearance of the CA. I note that the heritage statement refers to a potential alternative finish that would allow grass to grow through the base, such as Grasscrete. However, I do not have full details of such a finish before me.
12. There is a group of trees to the front of the appeal site that are subject to a Tree Preservation Order. Given their distance from the location of the proposed

dwelling and the intervening existing dwelling, these trees would be unaffected by the proposal. However, the proposed block plan indicates that there would be a loss of three trees from the rear garden as a result of the proposal. I have no substantiated evidence before me to demonstrate that these trees would be unlikely to survive on site for many years.

13. One tree is a small specimen near the boundary with No 9 Canons Drive. Given its size, its loss would not harm the character and appearance of the conservation area. There are, however, two larger trees near the rear boundary of the appeal site. These are visible from the public realm in Chestnut Avenue and, due to their size, are also likely to be visible from neighbouring properties. As a result, they contribute to the overall greenery in the area and their loss would cause harm to the character and appearance of the CA.
14. The Council's Officer Report also refers to trees that would be within proximity of the proposed dwelling. These appear from the drawings to be outside of its proposed curtilage. I observed a large tree on the side boundary of the rear garden of No 11 Canons Drive with Chestnut Avenue and other large trees in the rear garden of No.9 Canons Drive. Given their size and visibility, these trees also contribute to the character and appearance of the CA.
15. The Council are concerned that the roots of these trees may be impacted upon by the proposal. There is no compelling evidence before me to indicate that such impacts would not occur or that they would be adequately protected against. As such, the lasting health and vitality of these trees cannot be guaranteed under this proposal. The appellant suggests that this issue could be dealt with by way of a planning condition. However, I consider that such information is required before an informed decision can reasonably be made.
16. I find, therefore, that the proposal would fail to preserve or enhance the character or appearance of the CA.
17. In light of the above, I find that the proposal would result in harm to significance of the CA as a heritage asset. Paragraph 199 of the Framework directs me to attach great weight to the heritage asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
18. The harm that would be caused to the significance of the CA as a designated heritage asset would be localised to near the vicinity of the appeal site and would not result in a total loss of significance. Given this, I find the harm to be less than substantial. Under such circumstances, paragraph 202 of the Framework states that this harm should be weighed against the public benefits of the proposal.
19. The proposal would contribute a family sized dwelling to the borough's housing stock. It is also likely to contribute, albeit modestly, to the local economy through the construction period and some associated employment, and because future occupants would be likely to use local services. I also note the appellant's comments regarding the contribution that the work of self-employed builders can make to the recovery of the economy following the Covid 19 pandemic. However, the proposed development of one dwelling is unlikely to make a significant contribution to these matters. Therefore, any such benefits would be limited and I afford limited weight to them.

20. Consequently, the public benefits that would arise from the proposal do not outweigh the harm that would be caused to the significance of the conservation area as a designated heritage asset. Accordingly, the proposal conflicts with the Framework in terms of its aims to sustain and enhance the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
21. I conclude that the proposal would cause harm to the character and appearance of the Canons Park Estate Conservation Area. There would be conflict with Policies DM1, DM7, DM22 and DM23 of the Harrow Council Development Management Policies July 2013 (DMP). In summary, these policies require proposals to achieve a high standard of design and layout and to conserve or enhance heritage assets, and to provide soft landscaping that is appropriate to the character of the area. There would also be conflict with the London Plan Policies D1, D3, G7 and HC1 in so far as these relate to matters of high quality design, the removal of trees and conserving the significance of heritage assets. The proposal would also conflict with the objectives of the CAAMS and the Supplementary Planning Document Residential Design Guide December 2010 (SPDRDG), as well as the overarching aims of the Framework.
22. The Council have also referred me to Policy D4 of the London Plan. This policy establishes how the design of proposals will be analysed and scrutinised. It is a strategic level policy which I consider is not directly relevant to my assessment of the appeal proposal.

Living Conditions

23. The proposed dwelling would have two bedrooms and a bathroom within its north elevation facing the rear of No.11 Canons Drive. A first floor window serving an en-suite would be located on its east elevation facing the rear garden at No.9 Canons Drive.
24. Given the relationship between the proposed dwelling and the aforementioned properties, the first floor windows in its north elevation would afford views over the neighbouring gardens from close proximity. This would include views of the most private areas up against the rear of those dwellings. Consequently, the proposal would make the rear gardens of both of those dwellings significantly less pleasant to use and would unacceptably harm the living conditions of their occupants.
25. Although two of the first floor windows would serve bedrooms which may not be heavily used during the daytime, there would nonetheless still be a harmful perception of being overlooked from the windows, even when the rooms are not in use, due to their proximity to the aforementioned dwellings. It is also reasonable to consider that the bathroom and ensuite would be in less frequent use than the bedrooms and that their windows would be obscure glazed. However, the drawings show that the windows in these rooms would open in such a manner that the privacy afforded by any obscure glazing would be negated.
26. The Council are also concerned that the ground floor windows in the proposed dwelling would be visible above the existing boundary fence separating the appeal site and No. 9 Canons Drive. However, I consider that the existing fencing, due to its height, would provide a satisfactory level of protection for

the occupiers of that neighbouring property from overlooking from the proposed ground floor windows.

27. The proposed dwelling would be located close to the boundary with the neighbouring property at No.9 Canons Drive. As a result of its scale and height, the proposed dwelling would result in a dominant and overbearing feature when viewed from the rear garden of that neighbouring dwelling, in particular from its southern section. This would have a significant enclosing effect on this area which would make it less pleasant to use.
28. I conclude that the proposal would cause harm to the living conditions of the occupants of Nos.9 and 11 Canons Drive with particular regard to overlooking and outlook. There would be conflict with DMP Policy DM1 which states that proposals that would be detrimental to the privacy and amenity of neighbouring occupiers will be resisted. There would also be conflict with the London Plan Policy D3 (7) which requires development to deliver appropriate privacy and the objectives of the SPDRDG. There would be conflict also with Paragraph 130 f) of the Framework which requires developments to create places with a high standard of amenity for existing users.

Location

29. Policy CS1A of the Harrow Core Strategy February 2012 (CS) directs development to the Harrow and Wealdstone Intensification Area and throughout the rest of the borough to town centres and strategic previously developed sites. CS Policy CS1B, amongst other things, resists garden development. The presumption against garden land development is set out in Harrow Local Plan Supplementary Planning Document Garden Land Development April 2013 (GLDSPD), which states that it exists to ensure that the Borough's housing growth is delivered in accordance with the spatial strategy set out in the CS.
30. The appeal site comprises part of the rear garden of No. 11 Canons Drive where residential development is resisted by the Council's development plan. Further, it is not located in the Harrow and Wealdstone Intensification Area, a town centre of a strategic previously developed site. Consequently, the proposal conflicts with the Council's spatial strategy for managing growth.
31. I have been referred to a number of London Plan policies by the appellant. These seek to increase housing supply across London and indicate the importance that small sites can play in delivering the housing that London needs. Nonetheless, there is nothing in these policies which lead me to alter the conclusions that I have made above. Moreover, there is nothing in these policies that would indicate the approach set out at CS Policy CS1 is incompatible with the London Plan.
32. The appellant has also referred me to London Plan Policy H10, which concerns housing size mix. There is no objection from the Council with regard to whether the proposal would provide an appropriately sized dwelling or whether additional family sized housing is a requirement within the borough. However, the absence of conflict with this policy is a neutral factor in my overall considerations.
33. The appellant states that the appeal site is located within 800 metres of the boundary of the Town Centre and I have been referred to London Plan Policy

SD7. This is concerned with development principles and development plan documents with regard to town centres. I have also had regard to Annexes 1 and 2 of the London Plan. However, I do not consider that the policy, which takes a strong town centres first approach, or the annexes, justify the proposal.

34. I have also been referred to the Mayor of London, Module B, Draft for Consultation, Good Quality Homes for all Londoners, London Plan Guidance, October 2020. This sets a design-led approach to intensification to quickly identify the indicative capacity of a site or area, with careful consideration of housing design standards that protect quality of life for residents. For the reasons that I have set out, the appeal proposal would not achieve this. Further, as the document is at consultation stage I afford it limited weight in any case.
35. I conclude that the appeal site would not provide a suitable location for housing. There would be conflict with CS Policy CS1 which contributes to the Council's strategy for directing residential developments to appropriate locations and prevents the development of garden land. The proposal would also conflict with the objectives of the GLDSPD and the overarching aims of the Framework.

Planning Balance and Conclusion

36. The proposal would contribute a family sized dwelling to the borough's housing stock. It would also likely contribute to the local economy through the construction period and associated employment, and because future occupants would be likely to use local services. However, any benefits that may result from the proposal would be limited given the quantum of development proposed.
37. Against these limited benefits I have identified that the proposal would cause harm to the character and appearance of the CA, the living conditions of the occupants of both Nos.9 and 11 Canons Drive and the ability of the Council to deliver its strategy for directing residential developments to appropriate locations. I attribute significant weight to these harms, and the conflict with the development plan, and I do not consider that these are outweighed by any benefits arising.
38. I have also noted the final comments made by the appellant, as well as the appended documents, but these do not alter my conclusions above.
39. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR