



Appeal Decision

Site visit made on 27 October 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2021

Appeal Ref: APP/M5450/W/21/3273337

54 Kenmore Avenue, HARROW, HA3 8PJ

- 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 M Avram against the decision of London Borough of Harrow.
 - The application Ref P/3716/20, dated 18 October 2020, was refused by notice dated 14 December 2020.
 - The development proposed is the erection of a two-storey single family dwelling house; associated amenity space, off street parking, refuse and recycle store, and cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The London Plan 2021 has been published by the Mayor, setting the spatial development strategy for London and is now part of the development plan. The decision notice for the appeal application referred to the London Plan 2016. The appellant has referred to policies in the updated London Plan in their submissions. Despite this, the Council did not submit a statement. I have however been provided with copies of the relevant policies in the London Plan 2021.

Main Issues

3. The main issues are;
 - whether the appeal site is a suitable location for the development proposed, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. Policy H2 of the new London Plan 2021, sets a strategic priority around increasing the rate of housing delivery from small sites, requiring boroughs to support well-designed new homes on small sites. This is consistent with the aims of the National Planning Policy Framework (the Framework) of significantly boosting the supply of new homes.
5. Policies CS1.A and CS1.B of the Harrow Core Strategy (the Core Strategy), supported by the Adopted Supplementary Planning Document: Garden Land Development (2013) (the SPD) express the spatial strategy and seek to focus

growth in Harrow to intensification areas, town centres and other previously developed land. In particular, the SPD seeks to distinguish between the redevelopment of previously developed land, and development on private gardens to ensure growth is delivered in accordance with the spatial strategy and to prevent incremental residential growth on garden land leading to harmful dispersal of growth.

6. The appeal site clearly falls within the definition of garden land in the SPD, and the proposal is the type of development which the SPD seeks to guard against, in order to support the implementation of the spatial strategy. Whilst there are exceptions within the SPD, neither the appeal site nor the proposal falls within them. As such, the proposal is contrary to Policy CS1.A and B of the Core Strategy and the aims of the SPD.
7. However, as noted, the Core Strategy and SPD are older than the London Plan 2021. Although any conflicts between policies in different plans must be resolved in favour of the more recent policy, I do not find that there is a conflict between the Core Strategy supported by the SPD and the London Plan in this case. Although Policy H2 supports the delivery of small sites, it does not do so at the expense of spatial strategies, and refers to relevant area wide design codes, local character and appearance and allows for the identification of suitable small sites. Although the Core Strategy does predate the London Plan 2021, and small sites can make an important contribution to the cumulative delivery of housing numbers, I find that the overall intention of it, insofar as it relates to this proposal is consistent with the aims of the London Plan 2021 and the Framework, particularly in the way it seeks to deliver a plan-led distribution of growth.
8. I therefore find that the appeal site is not a suitable location for the development proposed with regard to the development plan, in particular, Policies CS1.A and B of the Core Strategy and the guidance contained in the SPD. I note the support in the Framework and London Plan 2021 for the delivery of housing on small sites and acknowledge their importance, however, do not find that to be a material consideration in favour of this proposal, sufficient to outweigh the Core Strategy and SPD development plan conflict in this case.

Character and appearance

9. The appeal site is an end-terrace dwelling on corner plot, at the junction between Kenmore Avenue and Radstock Avenue, both relatively wide, residential streets, host to broadly contemporary dwellings of similar form and scale, but with a mix of short terraces and semi-detached properties. As this junction is not perpendicular, the side and rear garden of the host property is relatively large, lending an open character to the junction and area immediately around the site. The road width and front gardens add to this open, spacious character and appearance.
10. The appeal proposal, a detached property, set on a corner plot would not sit well with the established character, rhythm and appearance of the wider area. It would also appear unusually cramped and large, relative to its plot. In addition, the appearance and scale of the proposal would be inconsistent with that of the surrounding area. Whilst I accept that properties in the area have been changed over time, their broadly consistent character, appearance, scale, form and rhythm is nevertheless still apparent.

11. As a result, I consider that the proposal would appear incongruous and would harm the character and appearance of the area.
12. I note the dwelling opposite the site, at 56A Kenmore Road (No 56A), and was able to see this during my site visit. Whilst I acknowledge that it is a dwelling on a corner site, in my opinion, the similarities with the appeal site end there. Due to the angle of the corner, where Radstock Avenue is not perpendicular to Kenmore Avenue, the site of No 56A has a different relationship to the area around it, the openness of the corner, and how close to the junction the houses on Radstock Avenue are. As a result, that corner-plot new-dwelling does not alter my conclusions on the effect of the proposal.
13. During my site visit, I was also able to see the examples referred to of other extensions along Kenmore Avenue. However, these do not alter my conclusions on the effect of the appeal proposal, as whilst they are corner plots, each of them has their own, particular relationship to their immediate surroundings, distinct from the appeal site and proposal.
14. As the proposal would harm the character and appearance of the area, it would be contrary to Policy D3 of the London Plan 2021, which seeks to make the best-use of land through a design-led approach. However, in doing so, it requires development proposals to have regard to the form and layout of its surroundings, with particular reference to scale, appearance, form and layout. The proposal would also be contrary to Policy DM1 of the Development Management Policies Local Plan 2013 and guidance in the Adopted Supplementary Planning Document: Design and Layout Guidance for New Residential Development, which seek, amongst other things, to ensure that development achieves a high standard of design and layout, appropriate to its context.

Conclusion

15. For the reasons given above I conclude that although the proposal could deliver an additional dwelling on a small site, the conflicts with the development plan in respect of the spatial strategy and the character and appearance of the area means that there are no material considerations which indicate that a decision be taken other than in accordance with the development plan expressed in the Core Strategy, the Local Plan and relevant SPD.
16. The appeal should therefore be dismissed.

S Dean

INSPECTOR