



Appeal Decision

Site Visit made on 27 October 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal Ref: APP/M5450/W/21/3276531

16 Elms Road, Harrow, HA3 6BQ

- 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 Aquabuild Limited against the decision of London Borough of Harrow.
 - The application Ref P/1277/21, dated 26 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is the redevelopment of the site to provide an apartment block consisting of 7 dwellings and 2 semi-detached dwelling houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area,
 - The effect of the proposal on the living conditions of occupiers of surrounding properties and future occupiers of the appeal site,
 - Whether the loss of trees is outweighed by any benefits of the proposal, and
 - Whether the proposal provides appropriate levels of parking.

Reasons

Character and appearance

3. The proposed semi-detached dwellings fronting Twickenham Gardens would fall within the definition of garden land development which the adopted Supplementary Planning Document: Garden Land Development (2013)(the Garden Land SPD), in combination with Policy CS1.A of the Harrow Core Strategy 2012 (the Core Strategy) seek to guard against, in order to deliver development in accordance with the spatial strategy. The proposal would not fall under any of the defined exceptions to that policy or guidance.
4. The appellant suggests that this approach to the distribution of development in the area has been superseded by Policy H2 of the London Plan 2021, which sets out criteria to encourage the delivery of housing on small sites across the city. Whilst the London Plan does post-date the Core Strategy, I am nevertheless satisfied that the Garden Land SPD and the Policy are still relevant and should still be given full weight in the determination of this

appeal. Although Policy H2 encourages the delivery of housing on small sites, and although the National Planning Policy Framework (the Framework) highlights the importance of such delivery, Policy H2 also requires a degree of evidence and forward-planning on the part of local authorities to deliver against its aims. As the adopted Garden Land SPD and Policy CS1.A are based on evidence which has already been tested, and seek to deliver the adopted spatial strategy, I do not find that they conflict with the overall aims of Policy H2 or the London Plan. The Core Strategy and indeed, the Garden Land SPD do allow for windfall development in Harrow, but not on garden land, which is protected for specific reasons, not superseded by, or otherwise in conflict with the aims of Policy H2.

5. As a result, with respect to the location of the part of the proposal fronting Twickenham Gardens, it would be contrary to Policy D3 of the London Plan 2021, Policies CS1.A and CS1.B of the Harrow Core Strategy 2012 (the Core Strategy) and Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (the Local Plan). The proposal would also conflict with guidance in the Garden Land SPD.
6. Although Elms Road currently has dwellings of various sizes and appearance, there is nevertheless a generally consistent apparent scale. The proposed replacement building fronting onto Elms Road would be both wider and taller than the building it replaces, which is itself already wider than its neighbour.
7. As a result, the proposal would appear markedly larger than its neighbour, in terms of width, height and overall scale. This effect would be magnified by the design of the front elevation, in which the level of glazing, in particular the full-height windows and doors, coupled with the lightwells serving the basement flats would all serve to emphasise the increased size, scale and bulk of the proposal relative to the wider street-scene. To my mind, this increased scale would be made more apparent by the extra width of the proposal reducing the gap to the side boundary of the site, in direct contrast to the buildings on the other side of Twickenham Gardens.
8. As a result, I find that the siting, form, depth, bulk, scale and siting of the proposed building fronting Elms Road would be harmful to the established character and appearance of the area. As a result, this element of the proposal would be contrary to Policy D3 of the London Plan 2021, Policy CS1.B of the Core Strategy and Policies DM1 and DM27 of the Local Plan. These policies seek, amongst other things, to ensure that development is appropriate for its surroundings in terms of its design, form, layout, character and appearance.

Living conditions

9. The proposed building fronting Elms Road would be larger than the existing, and indeed, deeper than its neighbour, 18 Elms Road (No 18). However, given the combination of the distance from the boundary, the proposed relative depths of the buildings, the existing single-storey projection at No 18 and the approach taken to the elevations of this part of the proposal, I do not consider that it would have an overbearing effect on the occupiers of No 18, sufficient to cause harm to their living conditions.
10. In this respect, the proposal would comply with Policy D3 of the London Plan 2021, Policy DM1 of the Local Plan and guidance in the adopted Supplementary Planning Document: Residential Design Guide (2010)(the Design SPD).

11. The relationship of the proposed semi-detached dwellings fronting Twickenham Gardens to the properties at the rear, accessed from Lorraine Park has been the subject of previous appeal decisions and design-revisions as a result. I note the provision of obscure-glazing to the first-floor rear-facing windows, which in any case serve bathrooms, and the design of the rear elevation as well as the separation distances, the proposed planting and the trees to be retained. Taking all of these factors together, I am satisfied that this element of the proposal would not harm the living conditions of the occupiers of 1-4 Lorraine Park with specific regard to any overbearing, overshadowing or overlooking effects. In this regard, the proposal would therefore comply with Policy D3 of the London Plan 2021, Policy DM1 of the Local Plan and guidance in the Design SPD.
12. Turning to the living conditions which the proposal would provide for future occupiers of the proposed building fronting Elms Road, I note that the internal space, light levels and broadly speaking, outlook, comply with policy requirements.
13. However, the vertical stacking relationship does not. There are overlaps between bedrooms and living areas, which could give rise to unacceptable noise and disturbance transfer between these spaces. Although I note building regulations would require certain standards concerning sound insulation, given the prominence of this issue in policy at national, regional and local level, I do not consider it appropriate to allow a stacking arrangement which is contrary to that policy.
14. With respect to the future occupiers of the building fronting Elms Road, the proposal would, as a result of its layout, not deliver appropriate, high-quality living conditions. This would be contrary to the requirement in the National Planning Policy Framework (the Framework) on achieving well-designed places and ensuring a high standard of amenity for residents. It would also conflict with Policies D3 and D6 of the London Plan 2021, Policy DM1 of the Local Plan, local guidance in the Design SPD, as well as regional guidance on housing quality in the Mayor of London Housing SPG (2016) and the Technical Housing Standards Nationally Described Space Standards (2015).

Trees

15. A number of trees on the appeal site are protected and would be affected by the development, notably by the pair of semi-detached dwellings. The loss of trees is unfortunate, given their prominence on Twickenham Gardens and their visibility more widely. I note that the proposal seeks to retain a number of trees, including several classified as Category A, which are also widely visible and contribute to the overall character and appearance of the area. The loss trees on the site must be balanced against the provision of housing, which is a clear benefit of the proposal.
16. I do however share the concern of the Council that given the size of the trees to be retained, notably to the rear of the semi-detached dwellings and their relationship to the proposal in terms of size and scale, that they would be subject to future pressure for removal or management to the potential detriment of the wider character and appearance of the area. Although this pressure would necessarily be the subject of separate, future consenting processes, I consider it material to this appeal.

17. When this harm is combined with my wider concerns over the effect of the loss of trees on the character and appearance of the area, as well as the other harm I have found arising from the proposal above, I do not consider that the loss of the trees would be wholly justified by the benefits of the proposal. The proposal would therefore be contrary to Policy G7 of the London Plan 2021 and Policy DM22 of the Local Plan, which seek to protect trees of value, and guidance in the Framework on achieving well-designed places.

Parking

18. Twickenham Gardens appears, from the evidence before me, and my observations during my site visit, well-used for on-street parking. As a result, the proposal would both induce demand for and displace some of the existing parking in the area. It is unclear from the proposal or the evidence how the proposed parking is to be allocated between the flats and semi-detached houses, and in any case, the five spaces provided in total fall short of the five required for the flats alone. Planning policy seeks to reduce the reliance on the private car, and in this regard, I note the provision of cycle parking and the PTAL score for the site. However, despite this, I am not satisfied that the evidence before me addresses the shortfall in parking provision, particularly for the flats, such that I can be satisfied that the proposal would provide appropriate levels of parking for its scale and location.
19. This failure to provide appropriate levels of parking for the development proposed, or to provide sufficient evidence to demonstrate that what is proposed is acceptable, means that the proposal is contrary to Policy T6 of the London Plan 2021 and Policy DM42 of the Local Plan. The relative lack of evidence around parking demand for the proposal and the effect of the proposal on parking and highway safety in the area also conflicts with guidance in the Framework on promoting sustainable transport.

Conclusion

20. The provision of housing through the appeal proposal would be a benefit which weighs in its favour. I have also found that the proposal would be acceptable with regard to its effect on the living conditions of the occupiers of 18 Elms Road and 1-4 Lorraine Park. However, I have found that the proposal would conflict with the development plan in terms of its location, would cause harm to the character and appearance of the area, would not provide suitable living condition concerns for future occupiers, would result in an unjustified loss of protected trees and could fail to provide appropriate levels of parking.
21. I therefore conclude that on balance, the proposal significantly conflicts with the development plan. There are no material considerations which indicate that a decision be taken other than in accordance with it.
22. The appeal should therefore be dismissed.

S Dean

INSPECTOR