



Appeal Decision

Site visit made on 1 November 2021

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021.

Appeal Ref: APP/M5450/W/21/3272512

Rear of 7 South Close, Pinner HA5 5AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Harry against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4157/20, dated 17 November 2020, was refused by notice dated 12 January 2021.
 - The development proposed is described as the 'erection of building as one dwelling or two flats'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved for future consideration. An indicative proposed block plan ('indicative plan') showing how the site could be developed was submitted with the application. I have had regard to it in determining this appeal.
3. Since the application was determined, the London Plan 2021 ('LP') has been adopted, and the National Planning Policy Framework 2021 ('Framework') has been published. The previous versions of those documents, which were referred to in the Council's decision, are now superceded. The principal parties were given an opportunity to comment on these new documents, I have taken the representations into account, and I have considered the appeal against their policies.

Background

4. The appeal site was formerly part of the garden of 7 South Close, but has been used in recent years as a builder's yard, including for the storage of materials and for the siting of shipping containers. However, that use is unauthorised, and in a recent appeal decision (Ref: APP/M5450/C/20/3263297) ('previous appeal') the Inspector found that the use was not commensurate with the character of the surrounding residential gardens on this side of the track ('the track'), and refused planning permission for the deemed application.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area;

- The effect of the proposal on adjacent occupiers' living conditions, and whether future occupants of the proposed accommodation would experience appropriate living conditions; and
- Whether the proposal would increase the risk of flooding.

Reasons

Character and appearance

6. The proposed building would be accessed via the track, which principally serves the rear yards and the somewhat eclectic rear elevations of the tall commercial and residential parade to the east on Rayners Lane.
7. There is a notable change on the western side of the track, where the development is lower density, primarily comprising houses, some of which have been converted into flats or other uses. Here the properties generally face, but are set back from, the highway, and are typically arranged in cohesive rows such as on Village Way, or in groups such as around the cul-de-sac on South Close. Properties at the head of South Close mostly have fairly long rear gardens, some with small ancillary outbuildings or hardstanding areas which back onto the track, where there is also a small electricity substation. Further away there are cohesive blocks of flats on a large site at Exchange Walk.
8. Whilst the appeal site hosts containers and materials, as its use as a builder's yard is unauthorised, I have given little weight to its current appearance. Given that this side of the track typically comprises rear gardens, some with small structures or hardstanding, a detached building for use as a dwelling or as two flats would appear out of context with its surroundings.
9. In particular, in this location next to the track, between tall buildings to the east and the regular groups of housing to the west, notwithstanding any landscaping that could be planted, the building would be visually isolated, and it would jar markedly with the prevailing pattern and grain of development. Additionally, given the irregular shape and narrow depth of the site, in the context on this side of the track it would appear tightly configured and awkwardly contrived.
10. Amongst other things, Policy CS1 Part B of the Harrow Core Strategy 2012 ('HCS'), and Policy DM 1 of the Harrow Development Management Policies Plan 2013 ('HDMP'), require a high standard of design which has regard to local context and distinctiveness, and to the pattern of development; and state that development detrimental to suburban character will be resisted.
11. That approach is consistent with the National Planning Policy Framework ('Framework'), including its environmental objectives and with its requirement for development to be sympathetic to local character; and also reflect the National Design Guide 2019 which, whilst stating that well-designed places do not need to copy their surroundings in every way, also sets out that development should be well-integrated and informed by local character and context.
12. For the above reasons, as it would significantly harm the character and appearance of the area, the scheme would conflict with those policies and with that guidance. It would also conflict with the similar stance in the Harrow Residential Design Guide Supplementary Planning Document 2010 ('RDG') that

schemes should be informed by their local context and character, and by the local pattern of development.

13. The Framework also sets out at paragraph 71 that plans should consider the case for setting out policies to resist inappropriate development of private gardens. Within its theme of protecting local character, HCS Policy CS1 Part B also resists 'garden development', with the Harrow Garden Land Development Supplementary Planning Document 2013 providing further details of that approach. However, the LP does not contain such a policy.
14. The appellant states that, given a change in title, there are no prospects of the appeal site returning to garden. However, irrespective of whether or not that is the case, or whether the proposal constitutes garden development, this does not change my conclusion regarding the proposal's harmful impact on the character and appearance of the area. On that matter HCS Policy CS1 Part B is consistent with the Framework, and in general conformity with the LP, including its approach to good design in Chapter 3.

Living conditions

15. According to the Council's calculations, the edge of the plot is 12.5 metres from the rear face of 7 South Close. However, if built adjacent to the track, as depicted on the indicative plan, the future occupants of the proposed building would have a poor outlook directly over the track, with the commercial uses on the Rayners Lane parade immediately beyond. They would also be likely to experience significant noise and disturbance within the building or its outdoor space, as a result of nearby vehicular movements and commercial activities.
16. Given the site's shape, there would be limited scope to position the proposed building much further back from the track. In any event, this would bring it closer to the rear faces of the properties on South Close. In that scenario, whilst I note that the adjacent properties have hard surfaced areas close to the track, as a result of the limited distances involved, I have concerns that it would result in an overbearing visual impact on the neighbours, or significant overlooking between the proposed accommodation and the rear faces and gardens of those properties, including the care home at No 7.
17. Finally, as the proposed accommodation could only be accessed via the track, which is narrow, unlit, and experiences limited natural surveillance, notwithstanding the proposed CCTV system, I share the Council's concerns that the scheme would not provide a suitably safe and secure ambience for all its future occupants.
18. I have no reason to doubt that the development could comply with the Government's Technical Housing Standards 2015; and normal domestic use of the proposed property would not result in significant noise and disturbance to nearby residents.
19. Nevertheless, for the above reasons, whilst I appreciate that all matters are reserved for future consideration, given its context, I am not satisfied that the site could be developed in such a way as to ensure that the occupants of the proposed accommodation, or adjacent occupiers, would experience good living conditions.
20. The scheme would therefore conflict with those parts of HDMP Policy DM 1 which require proposals to appropriately consider the impact on neighbouring

occupiers and the prevailing character of privacy and amenity in the area, and which seek to achieve a high standard of privacy and amenity for all occupiers. It would also conflict with the RDG's advice that there should be appropriate space around buildings to ensure satisfactory amenity; and with the broad thrust of LP Policy D11 to designing out crime.

Flood risk

21. I am informed that the site is close to a piped watercourse, which is a tributary of Yeading Brook. The Council considers that the appellant has failed to demonstrate that the scheme would not result in an increased risk of river channel instability and flooding.
22. I have few details before me on this matter, including the brook's precise location. However, the appellant has set out in an email dated 18 January 2019, following a meeting with the Council's infrastructure team, various measures that may need to be implemented to assess and mitigate flood risk, including construction, maintenance and planting details.
23. HDMP Policy DM 11 sets out that on sites containing an ordinary watercourse, an undeveloped buffer of 5 metres either side of it, or of such other width as may be agreed, will be required. Additional information could be provided at reserved matters stage, but I have no cogent evidence to indicate that the scheme would damage the watercourse, or that it would increase flood risks in the area.
24. Consequently, on the basis of the evidence before me, I cannot conclude that the scheme would conflict with HDMP Policy DM 11, nor with the stance in LP Policy SI12 which requires development proposals to minimise and mitigate flood risk.

Other matters

25. The LP describes how, to meet housing targets, there will need to be a fundamental transformation in the delivery of homes, and that whilst local character should be respected, an appropriate balance must be struck between existing fabric and proposed change. The Framework also sets out the need to significantly boost housing supply, and in that regard both it and the LP identify the importance of small sites, including their cumulative impact. In its favour, this scheme on this small site would make a modest contribution to housing supply.
26. Additionally, the scheme finds a measure of support from development plan policies which require an efficient use of land, and which support incremental intensification of residential areas in accessible locations such as this one, close to public transport and to the Rayners Lane district centre. HCS Policy CS1 Part A also seeks to direct growth to town centres. There would also be modest economic benefits, including during construction.
27. Framework paragraph 62 sets out how policies should also consider those who wish to commission or build their own homes. I am told that the Council does not have a self-build register, or publish data relating to self-build sites in its Annual Monitoring Report. I have limited information on this matter; and I note that the scheme is described as 'one dwelling or two flats'. Nevertheless, in the above context, on the basis that the appellant would self-build and occupy one dwelling, this also weighs in the scheme's favour.

28. However, as the site is in an urban area, and as the Inspector in the previous appeal found that the shipping containers on it constituted a breach of planning control, the scheme does not benefit from the support given in the Framework and the LP to the use of previously developed land.
29. Finally, although the appellant states that he would be prepared to improve the track's surface, I have no information regarding how that could be ensured on this land outside of his control, and I have no cogent evidence to support the claim that the scheme would reduce fly-tipping, or that the small amount of development proposed would significantly enhance natural surveillance.

Planning Balance and Conclusion

30. Summing up, I have no cogent evidence to indicate that the scheme would damage the piped watercourse or increase the risk of flooding. However, it would significantly harm the character and appearance of the area, and it would not ensure appropriate living conditions for all existing and future occupiers.
31. Whilst the proposal would make a small contribution to the supply of housing, and there are other modest benefits, these do not outweigh the harms that it would cause. The scheme would conflict with the development plan when considered as a whole, and it does not benefit from the Framework's presumption in favour of sustainable development. Having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR