



Appeal Decision

Site visit made on 8 March 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/M5450/W/21/3278977
212 Headstone Lane, Harrow HA2 6LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr P KHAKHARIA against London Borough of Harrow.
 - The application Ref P/1888/21, is dated 30 April 2021.
 - The development proposed is described as: "outline planning application for demolition of existing dwelling & outbuilding & erection of new residential building housing 1 replacement dwelling & 6 new dwellings across ground, first & roof level with associated parking, bins, cycle store & alteration to drop kerb (Landscaping Reserved)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with the appearance, layout, scale and means of access to be determined at this stage. Therefore, I have treated the drawings showing the landscaping of the site as indicative only.
3. The appeal has been accompanied by an amended drawing that shows the side access gate repositioned. This has been submitted to address concerns the Council have in relation to bin storage.
4. This, in part, represents new information. The appeals' procedural guide makes it clear that 'the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought'¹. Nevertheless, it is my view, that the amended drawing does not fundamentally alter the scheme in terms of its design, scale and layout, nor is it particularly technical in nature given that it relates to the relocation of a side gate. I have therefore assessed the appeal on the basis of the additional information.
5. The site history indicates that two previous appeals² have been made in respect of this site to demolish the bungalow and build a larger property subdivided into smaller dwelling units. I have had regard to the contents of those decisions in my assessment.

¹ Annex M, M.2.1, The Planning Inspectorate Procedural Guide, Planning Appeals – England, August 2019

² APP/M5450/W/19/3234139, dismissed on 24th October 2019; and APP/M5450/W/20/3251863, dismissed on 28th September 2020.

Background and Main Issue

6. This appeal has been lodged following the Council's failure to determine the application within the statutory period, which was on or before 9 July 2021.
7. The Council disputes the appellant's assertion that the scheme should be determined as a 'failure' case. The Council confirms that the planning application was determined on 15 July 2021. As the appeal was lodged the day prior, jurisdiction for determining the decision passes from the Council to the Planning Inspectorate. Therefore, I have determined this appeal on the basis that it represents a "failure" case.
8. The Council in their submission include reasons for refusal had they been in a position to determine the application. These include concerns regarding the scale and appearance of the proposed new building and the visual clutter that would be created by bins positioned on the parking forecourt. In addition, reference is made to those development plan policies that the Council considers to be relevant to each of the refusal reasons put forward.
9. Therefore, having regard to this background, the main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

10. The appeal site contains a detached bungalow located within a line of two storey semi-detached dwellings and bungalows, set back from Headstone Lane, and accessed by a short service road. Those dwellings, although contrasting in terms of their height and scale are consistent insofar as they incorporate a high level of architectural detail on primary elevations. Features include, projecting gables, single and double height bay windows, porches and intricate roofs characterised by subtle breaks in ridges and eaves. These properties combine to form a coherent and visually attractive suburban street.
11. The appeal scheme would result in the demolition of the existing bungalow and the construction of a two-storey building subdivided into 7 self-contained flats. Areas for the storage of refuse and bicycles are proposed at the rear and would be accessed via a gate along a side walkway.
12. The front elevation of the proposed building would have two large double height bay windows positioned either side of a central doorway. These would be large in scale and result in the bays appearing as prominent architectural features. Their modest projection from the front elevation along with their wide proportion results in the frontage having a relatively flat appearance that appears bland and uninspiring. This would contrast markedly with the more articulated and visually stimulating frontages nearby. Therefore, the proposal would appear discordant and harm the pattern of development along this part of Headstone Lane.
13. The appeal building would have a 'crown roof', where four roof planes would meet to form a flat roof area. The other properties along this part of Headstone Lane have more conventional hipped roofs, where roof planes taper towards a narrow apex. It is acknowledged that the appellant has reduced the flat roof area of the 'crown roof', however, it has a very deep rearward projection that would appear monolithic and bland rising above the more intricate roof of the adjacent bungalow (No 214). The proposed roof also fails to harmonise with

the more articulated roof slopes at Nos 200-206 (evens) Headstone Lane. As a consequence, the scale and appearance of the proposal's roof would look visually incongruous and fail to echo the architectural detailing the neighbouring roofs in this part of the street incorporate.

14. The amended drawing shows a wider gated entrance to the side of the appeal building. It is envisaged that marginally smaller bins to those recommended by the Council could be manoeuvred without difficulty from the rear bin store to the front forecourt for collection. With a less restricted passage, I see no reason why bins cannot be stored at a less prominent location at the building's rear on non-collection days. Accordingly, this would address the Council's concern regarding visual clutter along the frontage.
15. Notwithstanding my concerns the proposal's height and footprint dimension would be comparable with neighbouring properties in the street, and the development would be generally consistent with the layout and overall dimensions of those properties. Yet, my lack of concern on those matters, as well as my finding on the storage of bins, does not overcome the harm I have found in relation to the building's appearance and scale.
16. I conclude that the proposal would cause material harm to the character and appearance of the area contrary to the requirements of Policy CS1.B of the Harrow Core Strategy (February 2012), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the provisions of the Supplementary Planning Document Residential Design Guide (2010). These require amongst other things that proposals respond positively to local character in terms of design and detailing, while reinforcing local distinctiveness.
17. The proposal would also be contrary to Policies D3.D(1) and D3.D(11) of the London Plan (2021) where they require proposals to respond to local character including architectural features that are unique to the locality. The proposal would also be contrary to the National Planning Policy Framework (Framework) which requires development proposals to be sympathetic to local character.

Other Matters

18. Examples of other large properties built along Headstone Lane have been referred to. However, I have no specific details of when those cases were approved and upon which planning policies they were assessed against. Moreover, those examples do not persuade me to come to a different view on the appeal scheme and in any event, I have determined it on its own merits.
19. The Council found no harm in respect of living conditions of existing and future occupiers, amenity space provision, flooding and highway safety and parking. Noting the contents of the officer's report I have no reason to take a different view in how they reached those findings. Nonetheless, the absence of harm in these respects is a neutral matter weighing neither for or against the proposal.

Conclusion

20. The appeal scheme would be located in an existing built-up area and represent a windfall site, which the London Plan (2021) supports in principle. The appeal site has good accessibility to various modes of transport, services and facilities, and the general thrust of national policy seeks to boost housing provision. Whilst I accept that the Framework supports small scale development, the

contribution of 7 dwelling units to the supply and mix of housing in the area would be minimal, as would be any economic benefits resulting from the construction period and spending of future occupiers. Accordingly, I have attributed moderate weight to the scheme's benefits.

21. Therefore, taking the above matters into account, the scheme's benefits would not outweigh the significant harm I have identified to the character and appearance of the area and the resultant conflict with the development plan.
22. For the reasons given above I conclude that the appeal should be dismissed and planning permission refused.

RE Jones

INSPECTOR