



Appeal Decision

Site visit made on 4 May 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 MAY 2022

Appeal Ref: APP/M5450/D/21/3284837

Weald Cottage, Clamp Hill, Stanmore HA7 3JL

- 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 Harshil Shah against the decision of London Borough of Harrow.
 - The application Ref P/2253/21, dated 28 May 2021, was refused by notice dated 23 July 2021.
 - The development proposed is overhaul the property; including new side and rear extensions and revised roof form affording additional accommodation at upper levels. Proposals to the rear of the property include basement accommodation, rear ground floor extension and upper level amenity balcony. Rear garden outhouse for home office/gym use and garden store.
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Decision

1. This appeal is dismissed

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the area.
 - The effect on the living conditions of neighbouring occupiers with particular regard to privacy to the adjoining properties.
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development

3. The National Planning Policy Framework July 2021 (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as

inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in paragraph 149 of the Framework. Policy G2 of the London Plan (2021) (LP), Policy CS1.F of the Harrow Core Strategy (2012) (CS) and Policy DM16 of the Harrow Council Development Management Policies (2013) (DMP) broadly echo this advice, amongst other things.

4. Of relevance to this appeal is that 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building' is listed as an exception in paragraph 149c.
5. Weald Cottage has been previously extended with a two storey rear extension. It also has a single storey attached garage.
6. The proposal would increase the existing modest two storey dwelling with a mainly pitched roof to what appears as a double fronted three storey dwelling across an increased footprint, along with a generous part single, part two-storey rear addition. A substantial basement and outbuilding are also proposed. The LPA has included the volume of the basement and outbuilding in their assessment of the size of the extensions to Weald Cottage, and I am not presented with any reason to disagree with this. On this basis it calculates an increase of around 265% in footprint, 750% floor area and 185% volume, although these figures do not include the increase in the volume at roof level.
7. Consequently, the proposed development would create a considerable increase in bulk and scale to the property, and would represent overly large, disproportionate additions relative to the size of the original building.
8. Therefore, for the reasons described above, the proposed development would be inappropriate development in the Green Belt in the terms of the Framework. As such, in this respect, it would also be contrary to Policies G2 of the LP, CS1.F of the CS and DM16 of the DMP, the aims of which are set out above.

Openness

9. Openness has both spatial and visual dimensions. The proposal would introduce first and second floor development where currently there is none and therefore there would be harm to spatial openness. Furthermore, the proposed development would be highly visible in views from the road and the increased width would prevent the glimpsed views from the highway to the green space to the rear of the property. It would also be seen in private views from neighbouring properties and gardens. Therefore, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than existing.
10. Consequently, for the reasons above, the proposed development would be harmful to the openness of the Green Belt. Therefore, it would be contrary to the Framework and Policies G2 of the LP, CS1.F of the CS and DM16 of the DMP

Character and Appearance

11. This part of Clamp Hill is characterised by modest dwellings. The two directly adjoining properties are bungalows with outbuildings and I have no evidence to suggest that any increase in height to these neighbouring properties is likely. However, there are other two storey dwellings in the locality. The gaps

between buildings, particularly at first floor level and above, result in a pleasant sense of spaciousness. Whilst it is one of the larger properties in the immediate area, nevertheless, the modest character of Weald Cottage and its separation, particularly from the north-westerly boundary, makes a positive contribution to the character and appearance of the area.

12. The proposed additions and alterations create the appearance of a much larger dwelling. It would include excessive bulk at roof level, which is exacerbated by the large and bulky rear dormer and the prominence of the front dormer. The altered roof form along with the significant increase in width would harmfully undermine the sense of spaciousness and would result in a notably different appearance to the existing frontage. This would result in a property which would be unacceptably dominant in the streetscene and harmfully erodes the modest scale and open character of the surroundings.
13. Consequently, the proposed development would have an unacceptable effect on the character and appearance of the area. As such, in this respect, it would be contrary to Policies D3.D(1) and (11) of the LP, Policy CS1.B of the CS and Policy DM1 of the DMP. Together these seek a high standard of design including that new development should respond positively to the local context, character and distinctiveness and that extensions should respect the host building. As well as to the advice in the Supplementary Planning Document: Residential Design Guide (2010) (SPD) which provides guidance as to how high quality design can be achieved, including with particular reference to householder development.

Living Conditions

14. The appeal process should not be used to evolve a scheme. The proposal before me now, on which the Council based their decision and on which interested parties' views were sought includes a second floor balcony.
15. The proposed second floor balcony would create new, elevated views both to the rear and side. This would result in direct overlooking, adjacent to the adjoining properties and the majority of their gardens. The extent and proximity of the overlooking would therefore result in an unacceptable loss of privacy to neighbouring occupiers.
16. As such the proposed development would be harmful to the living conditions of neighbouring occupiers with particular regard to privacy to the adjoining properties. As such, in this respect, it would be contrary to Policy D3.D(7) of the LP and Policy DM1 of the DMP. Together these require new development should not be detrimental to the privacy and amenity of neighbouring occupiers, amongst other things. As well as the advice in the SPD which in part, provides further guidance as to amenity considerations for householder development.

Other Considerations

17. There have been no objections from neighbouring occupiers. However, the absence of such comments is a neutral factor. While I have noted the appellant's concerns regarding the LPA's handling of the planning application, that does not alter my assessment of the planning merits of the proposal.

Green Belt Balance

18. The Government attaches great importance to Green Belts. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and effect on openness. As well as the public and permanent harm to the character and appearance of the area and the unacceptable loss of privacy to neighbouring occupiers. These issues are not outweighed by any considerations advanced by the appellant. Therefore, the other considerations in this case, even when considered together, do not clearly outweigh the harm identified.
19. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with Policy G2 of the LP, CS1.F of the CS and DM16 of the DMP and paragraph 148 of the Framework the aims of which are set out above.

Conclusion

20. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR