



Appeal Decision

Site visit made on 8 June 2022

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal Ref: APP/M5450/C/21/3288275

Wyel Lodge, Donnefield Avenue, Edgware HA8 6RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Canons Lodge Limited against an enforcement notice issued by the Council of the London Borough of Harrow.
- The notice was issued on 1 November 2021.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised construction of a single storey side extension comprising of a wooden and perspex canopy and porta cabin to a dwelling located in the Canons Park Estate Conservation Area and Registered Park and Garden land showing hatched in blue on Plan 2 ("Unauthorised Development").
- The requirements of the notice are to
 - 1) Demolish the Unauthorised Development shown hatched blue on Plan 2.
 - 2) Remove from the land all materials and debris arising from compliance with the aforementioned requirement of the notice
- The period for compliance with the requirements is six months
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: the appeal is dismissed and the enforcement notice is upheld.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue is whether the development preserves or enhances the character or appearance of the designated heritage assets which are Canons Park Estate Conservation Area (the CA) and the Grade II Listed Historic Park and Garden at Canons Park (the Park).

Reasons

3. Wyel Lodge consists of a two-storey brick built dwelling with a detached garage and hardstanding to the front with gardens to the front and rear although the main garden is to the rear. The dwelling was originally a park keeper's house and then a police station before conversion to residential use in 2014. The appeal site shares a side boundary with a car park which serves Canons Park

underground station which is located at the junction of Whitchurch Lane and the other end of Donnefield Avenue to Wyel Lodge.

4. The appeal dwelling is located just inside the Park entrance from Donnefield Avenue. The CA includes a variety of historical features and high quality residential development as well as the Park which has large areas of open space and picturesque ponds. However as a single stand-alone dwelling within an area of the Park where there is very limited existing development, the appeal site is more visually associated with the open space aspect which exists in this particular area of the Park and the CA. Both the CA and the Park are designated heritage assets as defined by the National Planning Policy Framework (the Framework) which refers to great weight to be given to their preservation and conservation. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special attention be given to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. The appeal dwelling itself dates back to the late 20th century and is a relatively simple square design with a low pitched roof and light coloured brick walls. The development is a side extension to the appeal dwelling consisting of a wooden framed canopy with a sloping perspex roof which is attached to a portacabin at a lower height on the boundary with the car park.
6. The development is clearly visible from the rear garden looking back towards the dwelling house with the canopy element being taller than the grey portacabin. The canopy is made up of a variety of materials including perspex, wood and metal and has a makeshift appearance. A section of the sloping canopy which is infilled with horizontal wooden panels is visible above a wooden door when viewing the appeal dwelling from the front. The rest of the front of the development is largely hidden by conifer trees. There are views of the canopy and portacabin along the side boundary which are visible from within the public car park. There are therefore both private and public views of the development. Views from the public car park are no less significant than views from within the Park and the CA. Disregarding views from outside the designated heritage assets boundaries could result in the piecemeal erosion of parts of those assets which are located within, but on the edge of designations.
7. The appellant accepts that the materials used are not directly comparable to the existing dwelling house but states the development should be read as separate functional additions to the main house. However the extension is attached to the side of the house and has to be assessed as an extension to the dwelling. Whilst the development creates more living and storage space for occupants, a portacabin which is not normally seen in a domestic setting and a mix of materials including perspex and wood are not the kind of materials usually found within the CA and the Park.
8. The quality and mix of materials of the canopy element together with the siting of a portacabin in a domestic setting is not a coherent design for the development as a whole and results in an incongruous appearance compared to the existing brick built dwelling. It therefore results in unacceptable harm to the character and appearance of the site and the surrounding area. The development therefore has a negative effect on the significance of the designated heritage assets of which the appeal dwelling is a part.

9. Paragraph 199 of the Framework states that great weight should be given to the conservation of designated heritage assets irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm. Whilst I find that the harm caused to the significance of the heritage assets is less than substantial, it is nevertheless of great weight. Although Paragraph 202 of the Framework then states that the harm that I have identified should be weighed against any public benefits of the development, the appellant has not referred specifically to any public benefits.
10. Both parties refer to the appeal site as being within Metropolitan Open Land and a Grade II Borough of Site of Importance for Nature Conservation. However, these are not matters that are relied upon by the Council in its reasons for issuing the notice. Even if the development is not in conflict with these designations, this would be a matter of neutral weight which would not weigh in favour of the appeal. The appellant has referred to policies of the London Plan 2021 (the London Plan) other than those referred to in the notice, including Policy D6 which refers to high quality design and Policy GC6 which refers to efficient developments and safe and secure homes. However, I do not find the development to be of high quality design for the reasons stated and Policy GC6 is less relevant to the development when the issue before me relates to appearance.

Conclusion

11. For the reasons above, I conclude that the development fails to preserve or enhance the character or appearance of the designated heritage assets namely the CA and the Park. This would fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Framework. It is therefore in conflict with Policy DM7 of the Harrow Development Management Policies Local Plan (2013)(the Local Plan) and Policy D3.D (11) of the London Plan which collectively refer to the approval of proposals which secure the preservation and enhancement of a heritage asset and its setting. Policy DM7 of the Local Plan also states that when assessing proposals affecting heritage assets priority over other policies in the Local Plan will be afforded to the conservation of the assets affected. However, there is also conflict with Policy DM1 of the Local Plan which refers to development being of a high standard of design and Policy D3.D.(1) of the London Plan 2021 which refers to enhancing local context. The development is also in conflict with the Supplementary Planning Document Residential Design Guide (2010) which refers to materials for extensions either matching or complementing the existing building. As a result the proposal would not be in accordance with the development plan.
12. I conclude that the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under Section 177(5) of the Act as amended.

E Griffin

INSPECTOR