



Appeal Decision

Inquiry held between 7-10 and 16 June 2022

Site visit made on 15 June 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2022

Appeal Ref: APP/M5450/W/22/3292719

265 The Ridgeway, Harrow, London HA2 7DA

- 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 Harrow Gospel Hall Trust against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1492/20, dated 28 April 2020, was refused by notice dated 2 September 2021.
 - The development proposed is demolition of the existing building and redevelopment to provide a mixed-use scheme in buildings ranging from 3-7 storeys, delivering D1 floorspace alongside residential accommodation, with associated open space, landscaping, access, car parking, cycle parking and other associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was refused planning permission by the Council for 5 reasons. As the result of subsequent discussions between the main parties, 2 of those reasons relating to the provision of affordable housing and impact on trees have been resolved, subject to legal obligations and conditions. A third reason for refusal relating to the living conditions of future occupiers has been narrowed by agreement being reached on the level of sunlight and daylight to the proposed units. That reason for refusal now only relates to the outlook from some of the units. A fourth reason for refusal has also been narrowed by agreement being reached on biodiversity net gain, subject to an obligation for off-site biodiversity improvements. I have taken account of these discussions in framing what I consider to be the main issues in the appeal.
3. In addition to the legal obligations mentioned above, the appellant has entered into obligations to make financial contributions towards other planning benefits and mitigations, all by way of a legal undertaking under Section 106 of the Town and Country Planning Act 1990. I comment further on the legal undertaking under other matters.
4. The live stream of the Inquiry was not available for a short period on the morning of Thursday, 9 June 2022. Interested parties who spoke during that period have since provided written notes of what they said¹. Copies of those notes are available to view as part of the appeal documents.

¹ Samantha Palihakkara and Derek Hilton

5. It transpired during the course of the Inquiry that notice had not been served on the Council as a landowner of part of the site and consequently the incorrect certificate had been submitted with the application². The purpose of notification is to ensure that anybody with an interest in the ownership of a site is made aware of the submission of an application on that site so that they have the opportunity to comment. The Council has been aware of the proposal throughout the course of the application and appeal and raised no objection to the absence of formal notification at the Inquiry. Although matters relating to land ownership will typically be handled by a different department, I am satisfied that the Council has had the opportunity to comment on the proposal, both as local planning authority and part landowner, and therefore has not been prejudiced by the lack of a formal notice in this case.

Main Issues

6. The main issues are the effect of the development on:
- the character and appearance of the area;
 - the living conditions of future occupiers, with regard to outlook; and
 - the ecological value of the site and adjoining land.
7. It is also necessary to consider the planning benefits offered by the proposal. I consider these as part of the planning balance.

Reasons

Character and appearance

8. The part of Harrow in which the appeal site is located is typical of the residential developments of the inter-war and post-war periods which grew up around metropolitan railway lines. It is suburban in character with regularly spaced, mainly semi-detached bungalows and 2 storey houses, facing onto residential streets with relatively generous front and rear gardens. Buildings become denser and rise to 3 or 4 storeys at neighbourhood centres, often based around railway stations. These suburban areas are distinguished from the main town centres, such as that at Harrow and Wealdstone, which exhibit a different urban character.
9. The immediate context of the appeal site is, unusually, somewhat different to this wider context. It is separated from the surrounding suburban housing estates by The Ridgeway along its south-western boundary and allotments along its northern boundary, and from the West Harrow Recreation Ground (the 'park') by a railway line along its south-eastern boundary. The road and railway line are strong physical breaks which, together with the trees on the road embankment, along the margins of the railway line and in the park, provide a degree of visual separation and screening.
10. The northern boundary of the site is also currently screened by trees and foliage, although less so since the removal of part of the tree screen in late 2020. Much of the remaining foliage would be removed as a consequence of the development. There were differing assessments offered on the character of the allotments at the Inquiry. On the one hand, while noted as being delightful, they were characterised on behalf of the appellant as working gardens, a

² Town and Country Planning (Development Management Procedure) (England) Order 2015, articles 13 and 14.

physical amenity, a place to grow vegetables³. On the other hand, the allotments are seen by the Council as a peaceful and tranquil place, exceptional in a London setting⁴. Both parties acknowledged that the allotments are well used and much loved by the local community.

11. Taking account of these differing assessments as well as the impression I gained on visiting the area, my view is that the allotments do have a recognisable and beneficial character of their own. While having a functional role in growing produce, they also provide a quiet haven, dominated by greenery, away from the bustle of everyday life. Those qualities are enjoyed not only by the allotment holders but also the general public who can access the site via the path that runs through the middle of the allotments. I return to this relationship later in my decision.
12. The policy framework for guiding new development is set out in the London Plan 2021 (the 'London Plan'), Harrow Core Strategy 2012 (the 'Core Strategy') and Harrow Council Development Management Policies Development Plan Document 2013 (the 'Development Management Policies Plan'). The Council's strategic vision is to meet a large part of its development needs in the Harrow and Wealdstone Intensification Area, with the leafy, suburban character of the borough's residential areas safeguarded as areas of low density, family housing. Development opportunities on previously-developed sites are expected to integrate with their surroundings and contribute to environmental improvement and infrastructure in the locality⁵.
13. Further guidance is provided in Policy CS1 of the Core Strategy, which supports the strategic vision and resists proposals that would harm the character of suburban areas. Policy DM1 of the Development Management Policies Plan requires, amongst other criteria, good design, assessment of the massing, bulk, scale and height of proposed buildings in relation to their location and surroundings, and the need to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit. Policy D3 of the London Plan requires a design-led approach to optimise site capacity. Policy D4 promotes good design, and Policy D9 sets out location and impact constraints on tall buildings. Although preceding adoption of the London Plan, the policies in the Core Strategy and Development Management Policies Plan are consistent with it and I give them full weight.
14. Having regard to the previously-developed nature of the site and the need to optimise site capacity under Policy D3 of the London Plan, it was accepted by both main parties that it was not necessary to replicate the low density suburban form of housing on the site and that a more efficient use of the land was appropriate. The unusual nature of the site, separated as it is from the surrounding suburban houses, also provides an opportunity for a different form of development to that prevalent in the wider area. That stance was not necessarily accepted by all interested parties present at the Inquiry but given the demand for housing in London and the limits on land availability, the effective use of previously-developed land, whatever its previous history, is necessary to achieve housing growth and is a requirement of current planning policy. Optimisation, however, does not mean maximisation at any cost. New

³ Proof of evidence, Sarah Jackson, para 6.16

⁴ Proof of evidence, Nik Smith, para 6.6

⁵ Harrow Core Strategy, Harrow's spatial vision, p16

development still needs to respond to its context within the framework set by policies in the development plan.

Tall buildings

15. Policy D9 of the London Plan sets out limits on the development of tall buildings. Part A of the policy requires the definition of tall buildings to be based on local context as set out in development plans, but where there is no local definition the supporting text advises that the policy applies to buildings over 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.
16. In the Harrow development plan the only definition of a tall building is in footnote 23 of the Core Strategy⁶ in a section which relates to the Harrow and Wealdstone policy sub area. It was suggested on behalf of the appellant that the footnote could be read as having wider applicability. However, the focus of the section is very much on establishing an Area Action Plan for the Harrow and Wealdstone Intensification Area, in which Harrow intends to concentrate a large part of its development needs. The definition of taller, landmark buildings is made in this context. I consider that the definition contained in footnote 23 is locationally specific to the Intensification Area and does not extend to the rest of the borough. Such a view is consistent with the spatial vision for Harrow, and also with a recent appeal decision at Canons Park Station⁷. In the absence of any other definition of a tall building in the Harrow development plan, the default definition in the London Plan applies.
17. Part B of Policy D9 states that tall buildings should only be developed in locations that are identified as suitable in development plans. At 7 storeys, the highest parts of the appeal scheme fall within the definition of a tall building. The appeal site lies outside the Harrow and Wealdstone Intensification Area, and therefore outside any area considered as suitable for tall buildings in the Harrow development plan. Consequently, it conflicts with this part of the policy.
18. Part C of Policy D9 sets out further criteria against which the impact of tall buildings is to be assessed. Having regard to the judgement of the High Court in the *Master Brewer* case⁸, it is necessary to consider the scheme against all parts of Policy D9 in assessing compliance.
19. In visual terms, the 7 storey elements of the appeal scheme (Blocks C and D) would be substantially taller than the surrounding suburban housing and would, consequently, cause a significant change to the skyline from a number of vantage points. They would be most noticeable from the park to the south-east and in views from the residential streets to the west of The Ridgeway. They would also be seen from the path through the allotments rising above the lower and mid-height buildings of the rest of the appeal scheme. In so far as Policy D9 seeks to limit tall buildings outside defined locations, this level of visual contrast with its surroundings would be harmful.
20. However, the unusual immediate setting of the appeal site within the wider context of the area, and the design approach taken to locate the taller elements of the scheme in the most southerly part of the site, combine to reduce this harm. Although Blocks C and D would be seen from the park,

⁶ Any building at or over 30 metres high.

⁷ APP/M5450/W/21/3278646 – Canons Park Station Car Park, 229 Donnefield Avenue, Harrow

⁸ R (LB Hillingdon) v Mayor of London and others [2021] EWHC 3387 (Admin)

because of the intervening railway line they would only be seen in mid-range to long-range views, in conjunction with mature trees, and largely without visual reference to the surrounding domestic houses. The road embankment and tree screen would serve to conceal and soften immediate views of the blocks from the west, such that only the higher storeys would be visible. They would still be seen from the allotments and would be visible in views above other buildings in the scheme. However, given the distance between the southern part of the site and the allotments, the visual difference between policy conflicting 7 storey buildings and policy compliant buildings of up to 6 storeys in height would be relatively modest.

21. No strong arguments were raised against the scheme on functional, environmental or cumulative grounds as set out in Part C of Policy D9. Where these may have an impact on the wider area, they could be controlled through the use of planning obligations or conditions. Public access to tall buildings referenced in Part D of Policy D9 is neither necessary nor desirable on this particular site.
22. It was suggested that the tall buildings in the scheme would be of benefit in improving legibility and aid wayfinding in the townscape. I am not persuaded by that argument. The site is not a focal point or gateway, nor is it located at a transport node or service centre within the locality. Tall buildings would not therefore reinforce the spatial hierarchy of either the local or wider townscape and would tend to distract from rather than act as a useful waymark for those unfamiliar with the neighbourhood.
23. My attention was drawn to other examples of developments containing tall buildings in the vicinity. I visited both Apple Grove and Grange Farm, which occupy locations some distance to the west and south of the appeal site respectively. Apple Grove is less visible than the appeal scheme would be (other than perhaps to rail commuters) and has a lesser impact on its immediate neighbours. It was also permitted under a previous development plan and therefore is less applicable to the current policy framework. Grange Farm is part of an estate redevelopment, whose starting point is therefore different to the appeal site. Its setting is also more developed being on the edge of a local neighbourhood centre, which already contains sizeable buildings. Other sites drawn to my attention fall within the Harrow and Wealdstone Intensification Area, which is subject to different policy objectives and therefore not directly relevant to the appeal site⁹. In my view none of these schemes set a precedence for the development proposed in the appeal.
24. The proposed development conflicts with Policy D9 in that it would introduce tall buildings in a locality where they are not supported. In that context the contrast between the height of the proposed scheme and its surrounding environment would be harmful. However, given the immediate setting of the site, which is separated from the wider townscape to an extent both physically and visually, the harm would be limited.

Relationship with the allotments

25. Although I have found that only limited harm would be caused by the tall elements of the scheme, the same cannot be said of the development along its northern boundary.

⁹ The Lexicon, Bryon Quarter, Sheldon Houses and Bryant Apartments

26. Here, it is proposed to have terraces of 3 storey houses and flats in Blocks A, B and H, and a 4 storey mixed-use building in Block J. Together, these blocks would denude the northern boundary of the site of all existing trees and shrubs and replace them with solid building masses. The transition that the greenery along the northern boundary currently provides between the site and the allotments, even given the recent removal of trees, would be lost and replaced by a hard urban edge. This abrupt change would be harmful to the quiet, garden dominated character of the allotments.
27. The houses in Blocks A and B were described at the Inquiry as a contemporary approach to suburban housing that would mimic the houses backing onto the northern and western boundaries of the allotments. I do not consider that would be the case. The houses in Elm Drive, Grosvenor Avenue, Dorchester Avenue and The Ridgeway are predominantly 2 storey semi-detached buildings with the occasional loft conversion, with rear gardens of sufficient length and size to accommodate mature planting which helps soften views of them. In contrast, the houses in Blocks A and B and the flats in Block H would be perceived as continuous terraces of 3 storey buildings with their rear elevations standing close to and dominating most of the northern boundary. The articulation of the terraces with 2 and 3 storey, stepped elements and the break in the middle of Block H would not, in my view, relieve the built form that would be presented to the allotment site.
28. In terms of replacement planting, the short rear gardens of the houses would be too small to accommodate planting of any substance. The landscape strip that would separate them from the allotments would be so narrow that trees or large shrubs would be unable to grow to maturity without conflict with the house occupiers or allotment holders. It would be inadequate for the task of providing any meaningful softening or green edge to the development.
29. Block J would have an even greater impact on the adjoining land because of its 4 storey height and the lack of any soft boundary screening at all. Notwithstanding the set back above ground floor level along part of its side elevation, the removal of the trees that currently occupy this corner of the site and their replacement with a 4 storey building hard on the boundary would result in a development that would appear dominant and oppressive to the adjoining land use¹⁰ and in views from the path through the allotments.
30. I reach these conclusions on the height and layout of the development notwithstanding the lengthy consultation and engagement process undertaken by the scheme architects in accordance with London Plan Policy D4, including pre-application discussions with planning officers and 2 responses by a Design Review Panel. I acknowledge that internally the development would create a good living environment for its occupiers, and that the buildings themselves are well designed with varied and interesting elevations, and the use of materials to create contrast between ground and upper floors as well as more subtle variations within individual levels. However, it would appear that in those discussions the parties misdirected themselves on the interpretation of Policy D9 on tall buildings. It is also the case that while the scheme design evolved to create more space within the layout, that was done at the expense of its relation to the northern boundary. In my view, as well as that of many local

¹⁰ Wiseworks, mental health charity providing pre-vocational horticultural work centre

residents, insufficient weight has been given to the relationship of the scheme to the adjoining allotments, in particular with regard to landscaping.

31. I conclude that the development would harm the character and appearance of the area. That harm would derive from the tallest parts of the scheme conflicting with Policy D9, which seeks to limit tall buildings outside locations specified in development plans, and by the contrast in the height of the 7 storey elements with the wider suburban context, although I acknowledge that harm is limited given the unusual characteristics of the site. Harm would also derive from the hard dominant urban form of building and lack of adequate landscaping along the northern boundary, which would fail to achieve a proper transition to the quieter, verdant character of the allotments. Because of this harm, the development would conflict with Policies D1, D4 and D9 of the London Plan, Policy CS1 of the Core Strategy and Policy DM1 of the Development Management Policies Plan, which collectively promote good design in development and require it to respect its location and surroundings.

Living conditions

32. The difference between the main parties on living conditions was narrowed during the appeal to that relating to the outlook from the residential flats in Block A.
33. The western elevation of Block A would stand close to the boundary with the road embankment and its associated tree cover. Views from windows in the western elevation of the block would therefore be somewhat constrained, although this outlook would be one of greenery rather than other buildings or the road. All the windows in the western elevation would be to bedrooms, which themselves would form part of residential units with triple aspects where the main living spaces face onto the communal open areas in the middle of the scheme.
34. Although outlook to the west would be reduced, particularly for the bedrooms on the lower floors, the road embankment is relatively low at this point and therefore the main view would be of trees and shrubbery, which itself would be of visual interest. It was agreed that these rooms would benefit from adequate daylight and sunlight, and therefore would not be unacceptably gloomy or overshadowed. Importantly, the outlook from each unit when taken as a whole would not be confined to the western elevation alone but would benefit from other aspects as well. Occupiers of the units would not therefore feel oppressed or dominated by the more limited outlook from the bedroom windows.
35. I conclude that, given the nature of the outlook and the design of the units, the living conditions of future occupiers would not be harmed. The development would therefore comply with Policies D3 and D6 of the London Plan, CS1 of the Core Strategy and DM1 of the Development Management Policies Plan, in so far as these policies relate to achieving a good standard of residential amenity for future occupiers of the development.

Ecology

Net biodiversity gain

36. The difference between the main parties on this issue had also narrowed by the end of the Inquiry in so far as the Council was satisfied that, subject to a legal obligation securing financial support for off-site ecological improvements, there

would be sufficient biodiversity net gain to comply with this matter in Policy G6 of the London Plan and Policy DM21 of the Development Management Policies Plan. Given the Council's revised stance, and notwithstanding the evidence presented at the Inquiry by both parties on biodiversity net gain, there is no need for me to conclude on this particular matter any longer. I consider the obligation as part of the legal undertaking under other matters.

Mitigation hierarchy

37. Policy DM20 of the Development Management Policies Plan requires that the design and layout of new development should retain and enhance any significant existing features of biodiversity value within the site, and that only where the loss of such features is unavoidable should replacement features of equivalent value be provided.
38. The majority of the site is occupied by the existing hall or laid to hardstanding and grass, with little biodiversity value. Where there is more valuable habitat from an ecological point of view, it is along the northern margins of the site, consisting of semi-natural woodland, scrub and scattered trees. There were differing opinions offered on the biodiversity value of existing vegetation on the site. It has no formal ecological designation, and on behalf of the appellant it was assessed as being only of local value¹¹. On behalf of the Council it was noted as having a role as a corridor, shelter, and source of food for particular species of wildlife and shrub and scrub nesting bird species¹². Some evidence was provided by an interested party¹³, which suggests that the tree and shrub belt is used as a movement corridor by bats and other wildlife. I consider it does therefore have some significance for its biodiversity value.
39. I have commented elsewhere on the landscape value of the trees and shrub planting along the northern boundary, and where its loss would cause harm to the character and appearance of the area, and the relationship of the site with the allotments. The removal of the vegetation along the northern boundary would also have an adverse effect on the biodiversity value of the site, although based on the submitted evidence that adverse effect would be modest, and that overall there would be a net biodiversity gain. Nevertheless, I do not accept that the loss of the vegetation along the northern boundary is unavoidable, and consider that it could be retained with a better layout. The proposed development would therefore conflict in part with Policy DM20 in that it fails the mitigation hierarchy aimed at retaining existing features of biodiversity value within the site, in preference to replacement provision elsewhere.

Site of Importance for Nature Conservation

40. The western boundary of the site adjoins a wooded road embankment, which is designated as a Site of Importance for Nature Conservation (SINC). Within a London context this is of local importance and forms part of a wider area north and south of the railway bridge. It is noted as providing shelter for birds and other animals, including butterflies, and standing decaying timber within the scrub provides habitat for fungi and invertebrates¹⁴. A baseline assessment

¹¹ ECOSA, Ecological Impact Assessment, 2021

¹² Proof of evidence, Steve Whitbread, para 6.1.6

¹³ Mr Braidman, evidence to the Public Inquiry, April 2022

¹⁴ SINC citation, appendix 2 of proof of evidence of Dr Dan Simpson

carried out as part of the appeal¹⁵ indicates that the majority of trees are ash, many exhibiting signs of ash die-back, with a relatively dense scrubby understorey including Ivy. There are also 4 invasive species present. The SINC is assessed as being in moderate condition.

41. It was accepted by the Council that the development would not have any direct adverse effect on the SINC or indirectly by noise, although concerns were raised to the potential for indirect impacts arising through additional shading, lighting, and predation by cats.
42. Evidence submitted with the appeal indicates that the development would cast some shadow on the SINC, but that it would be transient and the woodland would continue to receive direct sunlight of between 7 hours in the winter and 11 hours in the summer¹⁶. Given the floor of the woodland is itself shaded by the trees, this level of shading would not have a harmful effect.
43. In terms of lighting, windows in the western elevations of Blocks A, B and C may give rise to some additional light spill during the hours of darkness but this would be relatively modest in comparison to the existing street lighting along The Ridgeway. The flat blocks would serve to partly screen the woodland from car headlights using the internal road, and external lighting could be controlled by condition.
44. Residential use of the site would inevitably bring with it an increase in the number of domestic cats, although this would be limited because the majority of dwellings would be flats above ground floor level, where cats would not have access to the outdoors. Quantifying the impact of cat predation on wildlife is difficult, but evidence presented on behalf the appellant suggests that cat predation is not the cause of population level decline in bird species. The SINC is not cited as supporting any species that would be particularly vulnerable to cats (such as ground nesting birds) and as the site lies within a suburban area, it is likely that cats are already present in the locality. In the absence of any evidence to the contrary, I consider that any increase in cat predation in the SINC would not be so significant as to be harmful to local wildlife.
45. Taking all of the above into account, I consider that no material harm would be caused to the ecological value of the SINC through either direct or indirect impacts arising from the development. If the contribution towards off-site ecological improvements offered by the appellant were to be used locally, the SINC could be improved, for example through litter clearance and removal of invasive species.
46. I conclude that the development would cause harm to the biodiversity value of the site through a failure to follow the mitigation hierarchy, because of the removal of trees and other vegetation along the northern boundary. I recognise that such harm would be limited given the modest ecological value of that area and the biodiversity net gain that has been agreed between the main parties. I am satisfied that the development would not cause harm to the SINC. The development would therefore conflict with Policy G6 of the London Plan, Policy CS1 of the Core Strategy and Policies DM20 and DM21 of the Development Management Policies Plan which seek to protect and enhance biodiversity, but only to the limited extent set out above.

¹⁵ Appendix 4 of proof of evidence of Dr Dan Simpson

¹⁶ BLDA Consultancy – Daylight and Sunlight, final report, May 2022

Other Matters

47. The appeal is accompanied by a legal undertaking agreed between the main parties that secures contributions towards the provision of affordable housing with early and late viability reviews, off-site biodiversity improvements, carbon off-set, a traffic management order relating to the speed limit on The Ridgeway, local employment and training, a travel plan, lighting and surface improvements to the footpath linking the site to West Harrow Station together with a kissing gate, a pedestrian refuge on The Ridgeway and widening of the pavement along the north-eastern side of The Ridgeway, retention of the scheme architect, a car club, reprovision of the 'Harrow in Leaf' community hall, the ability to connect to a district heating network, and an undertaking to market the D1 floorspace as a health facility for a period of 2 years (the lasts 6 months of which could be for a non-NHS health facility). There is also an obligation on the Council to repay contributions not used after a period of 10 years.
48. Having had regard to the compliance statement submitted by the Council, I am satisfied that, bar that relating to district heating, the obligations meet the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) in that they are necessary, directly related to the development and fairly and reasonably related in scale and kind. I have placed weight on them in this appeal in meeting policy requirements in the development plan and the additional demands the development would place on infrastructure and public services.
49. The obligation relating to connection with a district heating scheme may be laudable in principle, but there is no district heating scheme in Harrow and it is very unlikely for there to be one close to the appeal site in the foreseeable future. I consider the obligation fails the test of necessity in this case and have placed little weight on it.
50. A further obligation requires a safety audit of the footpath link to the station and, if deemed necessary, to cover the costs of widening it to allow joint pedestrian and vehicular access (the latter by allotment holders only). The need for this obligation has been questioned by the appellant. Although vehicular traffic along the path is limited to allotment holders only, the development has the potential to significantly increase pedestrian usage of the footpath and I share the Highway Authority's concerns about safety. The requirements of the obligation to audit that potential safety issue, and resolve it if necessary, seems to me to be a pragmatic way to address the issue, and I place weight on the obligation accordingly.
51. Some discussion was had with regard to the need for an off-site contribution towards biodiversity improvements, before the main parties reached agreement on the obligation. I have placed weight on this obligation in helping to achieve a net biodiversity gain for the development. However, my expectation would be that at least part of that contribution should be used to improve the biodiversity value of the SINC, given its proximity to the site.

Planning Balance and Conclusion

52. I have concluded that the development would cause harm to the character and appearance of the area by reason of the height of the tallest elements of the scheme and its detrimental impact on the character and quiet enjoyment of the

allotments. It would also cause some harm to the biodiversity value of the site, by removal of vegetation along the northern boundary. Although I have found no harm would be caused to the living conditions of future occupiers or to the ecological value of the SINC, and that overall there would be a biodiversity net gain, I consider that the proposal would conflict with the development plan when taken as a whole.

53. There was general agreement between the main parties on the benefits offered by the scheme. These include the re-use of a brownfield site, the provision of 178 residential units, 20% of which would be affordable, reprovision of D1 floorspace on the site provisionally for a health facility, and improvements to the footpath from The Ridgeway to West Harrow Station. Other benefits include urban greening, highway alterations and the contributions towards public infrastructure and services secured in the legal undertaking, and through the Community Infrastructure Levy.
54. While the provision of a significant number of new residential units would be a benefit given the demand for housing in London, the Council has a good record of meeting housing demand in the borough. It has a housing land supply of over 7 years and has significantly exceeded its housing delivery test repeatedly. Residential development on the appeal site is not necessary for it to continue to achieve those objectives. This moderates the weight I give to the benefit of delivering further housing.
55. Provision of affordable housing is also a benefit given the pressing need for subsidised housing in London. However, the proportion of 20% of units is less than that sought to meet the strategic target of 50% in London Plan Policy H4 or the threshold approach of 35% in London Plan Policy H5. While the parties have agreed the lower figure because of viability considerations, it nevertheless reduces the weight to be given to the benefit of affordable housing in this case.
56. Improvements to the footpath linking The Ridgeway to West Harrow Station would also be a benefit by providing surveillance over that part of it which would pass through the site and lighting and surface improvements to the remainder. This would be a relatively modest benefit given that there is an existing path that members of the public can already use.
57. The other contributions are of more moderate benefit or of neutral weight in that they are largely aimed at meeting policy requirements or mitigating the demand that the development would place on local infrastructure and public services.
58. I give significant weight to the conflict with the development plan and the harm caused to the character and appearance of the area, and lesser weight to the harm caused to the biodiversity value of features on the site. Balanced against these are the material considerations described above. In my view, although of varying benefit, they do not outweigh the conflict with the development plan either individually or in combination. Taken in the round, the development is therefore unacceptable.
59. Accordingly, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rupert Warren QC, of Counsel, who called:

Mike Jamieson BSc (Hons) PG Dip ARB RIBA RIAS	Design Director, TateHindle
Sarah Jackson BArch MSc ARB	Director, The Townscape Consultancy
Dr Dan Simpson BSc (Hons) PhD CEcol MCIEEM	Technical Director, Aspect Ecology
Michael Holloway MRTPI	Snr Associate Ptnr, Daniel Watney LLP

FOR THE COUNCIL:

Isabella Tafur, of Counsel, who called:

Nik Smith BA (Hons) MA MRTPI	Planning Director, Nexus Planning
Steve Whitbread BSc (Hons) MCIEEM, FLS	Biodiversity Officer, LB Harrow

INTERESTED PARTIES:

Councillor Marilyn Ashton	Chair, Planning Committee, LB Harrow
Mark Mulvenna	West Harrow Allotments and Garden Society
Sue Green	Resident
Gareth Thomas MP	Member of Parliament for Harrow West
Samantha Palihakkara	Resident
Derek Hilton	Resident
Simon Braidman	Harrow Nature Conservation Forum
Pankaj Patel	Resident
Mike Williams	West Harrow Community Forum

DOCUMENTS

Received during or after the Inquiry:

1. Opening submissions on behalf of the appellant
2. Opening submissions on behalf of the Council
3. Biodiversity Action Plan 2015-2020
4. Note of statement by Derek Hilton
5. Note of statement by Samantha Palihakkara
6. Draft legal undertaking
7. CIL Compliance Statement on behalf of LB Harrow
8. Updated list of planning conditions, 15 June 2022
9. Closing submissions on behalf of Council
10. Closing submissions on behalf of the appellant
11. Copy of completed legal undertaking
12. Revised list of planning conditions, 17 June 2022