



Appeal Decision

Site visit made on 22 June 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/M5450/D/21/3277791

Oak Cottage, Brookshill, Harrow Weald HA3 6RY

- 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 L Kelly against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0426/21, dated 2 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is a roof extension and alterations with rear dormers.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; ii) the effect of the proposal on the openness of the Green Belt; iii) the effect of the proposal on the living conditions of neighbouring residents, with particular regard to privacy; iv) the effect of the proposal on the character and appearance of the area, with particular regard to the Locally Listed Building of Oak Cottage; and v) if the proposal would constitute inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to allow the appeal.

Reasons

Whether Inappropriate

3. The appeal dwelling is described in the council's local listing entry as a single storey Victorian cottage formerly part of the Brookshill Estate. Many elements of the building described in the local listing entry no longer exist, such as alternate courses of plain and shaped clay tiles, a wrought iron ridge ornament, and timber casement windows with leaded lights. However, I note the original hipped roof form, tall chimney stacks and brick arches around windows and doors and patterned brickwork detailing of the original parts of the building remain.
4. The appeal site is located within the Green Belt. Paragraphs 147 and 148 of the Framework advise that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 of the Framework advises that the construction of new buildings should be regarded as inappropriate in the Green Belt, but exceptions include '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'.

5. Policy G2 of the London Plan (2021) (LP) reflects the advice set out in the Framework with regard to development in the Green Belt. Policy CS 1 of the Harrow Core Strategy (2012) (CS) states the quantity and quality of the Green Belt shall not be eroded by insensitive development, amongst other things. Policy DM 16 of the Harrow Development Management Policies (2013) (DMP) refers specifically to redevelopment and infilling of previously developed sites in the Green Belt and is not directly relevant to the proposal.
6. The council has presented figures of the original, existing and proposed footprints and floor areas of the appeal dwelling, which have not been disputed by the appellant. The planning history for the appeal site set out in the council's officer report, which has also not been disputed by the appellant, suggests an existing large single storey rear extension was constructed at some point after a lawful development certificate¹ was granted in 2001.
7. The proposal would not increase the footprint of the existing building, which has already been increased by 43% compared to that of the original building. However, the floor area of the appeal building would be increased from 133 sqm to 178 sqm, which would be an increase of 147% compared to the 72 sqm floor area of the original building. This would be a significant increase.
8. The proposal would introduce a crown roof to match the height of the main hipped roof across the full width of the appeal dwelling, with part-hipped gables and two rear dormers. The significant increase in floor area proposed would therefore be clearly appreciable on account of the mass of the proposal which would consolidate accommodation at first floor level.
9. Taking the above into account, in combination with previous extensions to the appeal dwelling, the proposed development would comprise disproportionate additions over and above the size of the original building. The proposed development would not therefore accord with the exception provided at paragraph 149(c) of the Framework and would constitute inappropriate development in the Green Belt, in conflict with Policy G2 of the LP and Policy CS 1 of the CS.

Openness

10. The appeal site is located on an irregularly developed section of a main road which is surrounded by tall trees, giving a secluded, verdant feel to the locality, despite its proximity to more densely developed areas. Views of the proposal from publicly accessible areas would be limited due to the thick planting along the western boundary, but there would be clearer views from neighbouring properties.
11. Paragraph 137 of the Framework states: 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 138 identifies five purposes Green Belts serve, including, amongst other things, to check the unrestricted sprawl of large built-

¹ The council's reference: EAST/1043/CLP

up areas. Openness is therefore an essential characteristic of the Green Belt, which has spatial and visual aspects.

12. The proposed development would increase the floor area and mass of the existing cottage at first floor level, which would be evident from outside the appeal site. This would harm the openness of the Green Belt spatially and visually. On account of the appeal building's position alongside neighbouring residential properties and opposite a much larger block of flats, the level of that harm would be low.

Living Conditions

13. The proposed development would include two rear facing dormer windows to serve a bedroom at first floor level. The council suggests those windows would be approximately 7 metres from the rear boundary of the appeal site and would overlook part of the rear garden of the neighbouring house, Roxey. I saw that the proposed windows would be close to the boundary between the rear gardens of the appeal site and Roxey, which is marked by a tall hedge. Despite the height of boundary planting, the positions of the proposed windows would offer clear views into the rear garden serving Roxey.
14. Neighbouring residents at Roxey benefit from a large garden which runs to the rear and side of that dwelling in an 'L' shape, around the rear of the appeal site. The appellant has described the area of garden land serving Roxey to the rear of the appeal site as being set away from the rear ground floor of that property and its most immediate curtilage. However, it appears to comprise the main extent of a generous garden, which would be largely overlooked by the proposed dormer windows. I saw a neatly finished outbuilding at the end of the garden area serving Roxey, which indicates the full extent of that garden is actively used.
15. Overlooking from the proposed rear dormer windows would significantly reduce the level of privacy which residents of Roxey would reasonably expect to experience within their rear garden, notwithstanding their access to other areas of garden space further to the north. The extent of overlooking into the garden area serving Roxey would therefore cause unacceptable harm to the living conditions of residents of Roxey due to the proximity of the proposed dormer windows to the garden and the clear views which would be available.
16. The extent of overlooking would be substantially worse than any perceived or actual overlooking from Oak Lodge. From what I have seen, I am doubtful that any such overlooking of the garden area serving Roxey occurs from Oak Lodge. I noted overlooking of the appeal property from side elevation windows which serve Roxey, but that would not justify the introduction of windows at the appeal property which overlook the garden area of Roxey.
17. The proposed development would therefore cause unacceptable harm to the living conditions of neighbouring residents at Roxey on account of the extent of overlooking of their rear garden from the proposed rear dormer windows, which would significantly reduce their privacy. This would be contrary to Policy D3 of the LP, Policy DM 1 of the DMP and the council's Residential Design Guide Supplementary Planning Document (2012) (RDSPD). These seek to achieve, amongst other things, appropriate levels of privacy having regard to the overlooking relationship between windows and outdoor spaces.

Character and Appearance

18. The appeal building is locally listed, but as set out above, many of the features referred to in the council's local listing description of the appeal building have been removed some time ago by a previous owner. The appeal building retains its form as a Victorian cottage, albeit with an unsympathetic single storey rear extension. Its tall chimneys, decorative brickwork and low hipped roof forms on the front elevation would be retained as part of the proposal. As a non-designated heritage asset, the significance of the appeal building lies in these remaining elements of its historic design.
19. This part of Brookshill is characterised by the secluded and verdant setting of a broad mix of modestly sized houses, much larger blocks of flats, and the cemetery to the south. In this context the appeal building and Oak Lodge are notable as modestly proportioned historic cottages with interesting architectural features. Although many of the original architectural features of the appeal building have been lost, those that remain make a positive contribution to the character and appearance of the building and the surrounding area.
20. Paragraph 189 of the Framework sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 203 advises that a balanced judgment should be made where development would affect a non-designated heritage asset, having regard to the scale of any harm and the significance of the heritage asset.
21. The proposed development would replace an uncharacteristic flat roofed rear extension. The existing flat roofed rear extension is partially visible in restricted views from the front of the appeal site. In contrast, the crown roof of the proposed development would be clearly visible from the front of the appeal site and would form the backdrop to the existing tall chimneys and hipped roof projections. Although its height would not exceed that of the highest existing roof ridge, it would significantly alter the overall character of the appeal building and transform its appearance from a modest historic cottage to something more akin to a suburban chalet style bungalow.
22. The original hipped roof form and tall chimneys would remain visible from the front of the appeal site, but the ability to appreciate them and the aesthetic value of the historic building would be greatly reduced on account of the scale and massing of the proposal. The proposed crown roof would appear overly large alongside these historic design elements and would compete with their dominance and hierarchy. This would be evident from outside the appeal site, despite thick boundary planting. As such, although decorative brickwork would be retained and would remain unaffected, the significance of the non-designated heritage asset would be adversely affected by the proposal. The proposal would not respect the building's historic design, appearance and architectural features.
23. The proposal would therefore harm the character and appearance of the area, in conflict with Policies D3 and HC1 of the LP, Policy CS 1 of the CS, Policies DM 1 and DM 7 of the DMP, and the advice set out in the RDSPD and the council's Locally Listed Buildings Supplementary Planning Document. These require, amongst other things, development to be sympathetic to, and conserve, the

significance of heritage assets by comprising high quality design which has regard to relevant issues of design, appearance and character including proportion, scale, height, massing and features.

Other Considerations

24. Paragraph 148 of the Framework states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, would be clearly outweighed by other considerations.
25. The proposal would improve the internal living space of the appeal building and replace an uncharacteristic flat roofed rear extension. However, these benefits would not outweigh the harm which would be caused to the Green Belt on account of the proposal's inappropriateness, in addition to the other identified harms which would be caused to the openness of the Green Belt, the living conditions of neighbouring residents, and the character and appearance of the area.

Conclusion

26. There are no material considerations that indicate my decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR