



Appeal Decision

Site visit made on 29 July 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Ref: APP/M5450/W/22/3290050
3 Eastern Avenue, Pinner HA5 1NU

- 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 Mrs Niruja Srilinganathan against the decision of The London Borough of Harrow.
 - The application Ref: P/3666/21 dated 2 September 2021, was refused by notice dated 29 October 2021.
 - The development proposed is 2 Bedroom detached residential unit on land adjacent to No. 3 Eastern Avenue.
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Decision

1. The appeal is dismissed.

Main Issues:

2. The main issues are:
 - whether the proposed development is appropriate development on garden land, and
 - the effect of the proposed development on the character and appearance of the area.

Reasons:

3. The appeal site is a triangular area of land within the curtilage and to the side of, No.3 Eastern Avenue (No.3) which is located in a densely developed suburban road of two-storey, mostly semi-detached, housing with open frontages. Although No.3 differs in being a detached dwelling of individual design it aligns with, but also provides visual transition to, the adjacent Cannon Lane which retains a softer rural feel south of the junction with Eastern Avenue. This is due to hedged boundaries and, in the narrow strip of land intervening between Cannon Lane and the appeal site, a number of trees.

Location

4. Policy CS1(A) of the Harrow Core Strategy 2012 (Core Strategy) sets out a spatial strategy that presumes housing needs will be met on previously developed land which, according to the glossary to the National Planning Policy Framework 2021(NPPF), precludes residential garden land. Policy CS1(B) expressly resists development on garden land; this is reinforced by the 2013 Harrow Council Garden Land Development SPD (GLSPD) which sets out the circumstances and reasons for the approach to resisting development on land such as the appeal site and provides for certain exceptions such as 'gap' sites

which it defines as an 'anomalous missing piece from an otherwise clearly defined rhythm of buildings'.

5. Overall, whilst I note the representations of the appellant as to the meaning of 'gap' and an interpretation of the exception provided for infilling within street frontages, to my mind there is no continuance of frontage that would include the appeal site or allow it to be defined as a gap within the meaning given in the GLSPD. My observations direct that No.3 terminates a length of developed frontage and it follows that an additional dwelling on the appeal site would extend and not infill that frontage.
6. Parts (A) and (B) of Policy CS1 of the Core Strategy underpin the spatial strategy for development in the Borough in which regard the protection of garden land is subject only to specific exceptions set out in the GLSPD, none of which apply to the proposed development. No argument has been advanced to persuade other than the proposal would conflict with those policies and thereby undermine that strategy with which the proposal would conflict.

Character and Appearance

7. The proposed building would be a small detached dwelling which has been designed to adopt the architectural approach of No.3. Whilst this would, in other circumstances, be an unobtrusive addition to the street scene, its location close to Cannon Lane would encroach upon the visual separation between the denser suburban development of Eastern Avenue and that found in Cannon Lane this would be due to the proximity to the existing trees on the western side of Cannon Lane which offer only partial screening and through which the proposed dwelling would be apparent. The result would conflict with the objectives of Policy DM1 of the Development Management Plan Local Policies (2013) (DMPLP) to achieve a high standard of design and layout and prevent development which is detrimental to local character and appearance. Even if the proposal were acceptable in this regard that would not outweigh the harm which would arise from the undermining of spatial strategy I have identified and to which I attach significant weight.
8. I therefore conclude that, for the reasons given and taking all matters raised into account that the proposal would conflict with the development plan as a whole and that, in consequence, the appeal cannot succeed.

Andrew Boughton

INSPECTOR