



Appeal Decision

Site visit made on 25 July 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/M5450/W/21/3289022

92 Vancouver Road, Edgware HA8 5DF

- 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 T Patel against the decision of London Borough of Harrow.
 - The application Ref P/4169/21, dated 15 October 2021, was refused by notice dated 10 December 2021.
 - The development proposed is described as: full planning permission for demolition of existing garage and erection of an end of terrace house with associated parking, landscaping, bins for existing house and proposed house and amended drop kerbs.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: whether the principle of a new dwelling on garden land is acceptable; and the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons

Development on garden land

3. The appeal site comprises a semi-detached dwelling and side garden area. A new dwelling would be built on the side garden land and adjoin the flank wall of the host dwelling.
4. Paragraph 71 of the National Planning Policy Framework (the Framework) allows Councils to consider the case for policies that 'resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'
5. Policy CS1.A of the Harrow Core Strategy 2012 (CS), directs new development to the Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic previously developed sites. In managing growth on other sites outside these areas, Policy CS1.B of the CS, resists development that would harm the character of suburban areas and development within garden sites. This is supplemented by the Harrow Garden Land Development Supplementary Planning Document 2013 (GLD SPD). The policy and guidance are broadly consistent with the overall aims of the Framework.
6. Paragraph 3.7 of the GLD SPD states that the Council will allow any enlargement in footprint of existing dwellings that is equivalent to whichever is the larger of either: the footprint of any permitted extensions (excluding

- outbuildings) that could be exercised for the dwelling; or the footprint of an extension (excluding outbuildings) that would be consistent with Harrow's Residential Design Guide SPD 2010 (RDG SPD).
7. The appellant has provided figures which compare the existing footprint of the host dwelling and garage with the combined footprint of the two dwellings following development. Through this comparison exercise, the net increase of around 17m² or 16%, is considered, by the appellant, to be an appropriate enlargement in the terms of the GLD SPD.
 8. Yet, I have no details of how those figures were reached or a breakdown of the various built structures factored into the calculations. The calculations also include the existing garage, but the GLD SPD is explicit in removing outbuildings from the enlargement allowance. Therefore, despite the modest footprint increase, it is not clear whether the findings presented have considered the specific provisions of Paragraph 3.7, in terms of permitted allowances and what would be consistent with the RDG SPD.
 9. In contrast the Council's assessment provides more specific calculations of the permitted extensions that could be exercised, while indicating what would not be consistent with the guidance in the RDG SPD. Based on their more detailed assessment and consideration of the exceptions outlined in the GLD SPD, I am more persuaded by the Council's findings. Taking this into account appropriate enlargements in their view would be approximately 44.6m². The proposed dwelling's footprint is confirmed at around 53.4m², therefore the proposal would not be an appropriate enlargement and would be unacceptable garden land development as a result.
 10. Thus, the evidence before me indicates that the proposal would constitute the development of garden land. As a result, whilst the proposal would contribute towards the housing stock of the Borough, it would be unmanaged, incremental growth contrary to the spatial growth strategy and would have a harmful impact on the delivery of that strategy.
 11. Therefore, taking the above into account, I conclude that the principle of a new dwelling on garden land would be unacceptable. It would be contrary to Policies CS1(A) and CS1(B) of the CS which restrict development on garden land. It would also be contrary to the advice set out within the GLD SPD and the Framework.

Character and appearance

12. The long lines of semi-detached dwellings along Vancouver Road are a distinctive feature of the street. The pairs are laid along a consistent building line, have a comparable mass and scale and, in most cases, have distinctive double height bay windows that add rhythm and symmetry to the appearance of the dwellings. It is acknowledged that some of the dwellings have been extended through the introduction of larger porches and first floor side additions. However, these are often subordinate in scale or set back to ensure the original form and appearance of the property is revealed. Accordingly, the consistent appearance, layout and scale of the dwellings makes a positive contribution to the area's character.
13. The proposal would adjoin the host dwelling and align with the front building line and roof, significantly increasing the bulk and length of the building. The

outcome would be a much larger terrace of three dwellings that would create a discordant break in the sequence of semi-detached houses that line this side of Vancouver Road. Moreover, this conflict would be highly visible from the road given the relatively open and unenclosed driveways. Therefore, the proposal's scale, layout and appearance would fail to promote or reinforce the distinctive characteristics of the host dwelling and the street, and would adversely harm rather than positively contribute to the character and appearance of the area.

14. The proposal would close the wider than average gap between the opposing dwelling's flank wall making it more consistent with the spatial arrangement of dwellings in the street. It would also incorporate a double height bay window, matching materials and general detailing that would match the host dwelling and other properties nearby. However, whilst those aspects of the scheme would integrate the proposal with the area, they do not overcome the adverse effects associated with the greater mass and length, as well as the proposal's appearance.
15. Therefore, it would have a harmful effect on the character and appearance of the host property and the surrounding area. It would fail to accord with Policy D3 of the London Plan (2021), Policy CS.1B of the CS, Policy DM1 of the Development Management Plan Local Policies (2013) and the RDG SPD. Collectively these require amongst other things that proposals respond positively to local character and distinctiveness in terms of scale, layout, shape, hierarchy of building types, forms and proportions in the street.

Other Matters

16. The appellant has referred to the requirement in the London Plan (2021), for "small sites" to make a 20% contribution towards the city's overall housing target. It has also questioned the relevance of current local plan policies in light of the more recent London Plan which emphasises the importance placed on 'small sites' in contributing to overall housing provision. Additionally, the appellant refers to the Council's intention to introduce Article 4 directives to control employment to residential land conversions, which in their view would limit the scope for further housing opportunities. Considering those factors, the appellant believes that the Council should embrace opportunities for smaller infill sites, such as that proposed.
17. The requirements of the London Plan (2021) are noted, yet they would not be without the caveat of providing an acceptable form of development. In this regard I have found that the proposal's harmful effect on the area's character and appearance would significantly and demonstrably outweigh the modest benefits of one additional dwelling. In terms of the Article 4 Directives, I do not have the full details of those, therefore I am unable to give any significant weight to whether they would restrict housing growth in the Borough and add weight to the appellant's case.
18. The scheme benefits would relate to the provision of one dwelling in an accessible location close to local services and facilities, and make a small contribution to the Borough's overall housing supply. The proposal would also provide new lawned areas for the existing and proposed dwellings that would reduce the hardstanding areas on the land and create a more attractive setting. Yet, those benefits would be minor in my view and would not outweigh the conflict with the development plan and guidance in the SPDs referred to and the significant harm I have found in those respects.

19. The appellant indicates that the proposal would conform with the Council's standards on parking and the internal space requirements of the London Plan (2021). Compliance, in those respects would not amount to scheme benefits, as they would be expected as a minimum requirement.
20. An appeal at Boxtree Road¹ has been referred to. The Inspector in that case allowed the demolition of an existing dwelling and the construction of a new building comprising 5 units. Despite clear conflicts with the GLD SPD's guidance on enlargements, the Inspector considered there to be material benefits that would weigh in favour of the scheme, including the provision of a larger lawn/garden and a net gain of 4 dwellings. The current appeal differs in having a smaller garden, while resulting in a more reduced net gain of 1 unit. Consequently, there are clear differences between the schemes in terms of benefits, and the decision referred to by the appellant does not create a clear precedent that weighs in favour of this appeal. As such I have given this matter limited weight.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR

¹ APP/M5450/W/18/3213211, allowed on 14 January 2019