



Appeal Decision

Site visit made on 16 August 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2022

Appeal Ref: APP/M5450/W/22/3294960

40C Spencer Road, Harrow HA3 7AR

- 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 Dr Mukesh Pandya against the decision of London Borough of Harrow.
 - The application Ref P/3519/21, dated 20 August 2021, was refused by notice dated 18 October 2021.
 - The development proposed is a proposed 4-bedroom detached dwelling with associated garden amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is a suitable location for the development proposed, having regard to the Council's housing strategy;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on the living conditions of the occupiers of 40A, 40B, 40C and 42B Spencer Road with particular regard to outlook and light.

Reasons

Location

3. Policy H2 of the London Plan 2021, sets a strategic priority around increasing the rate of housing delivery from small sites, requiring boroughs to support well-designed new homes on small sites. This is consistent with the aims of the National Planning Policy Framework (the Framework) of significantly boosting the supply of new homes.
4. Policies CS1 A of the Harrow Core Strategy (2012) (CS) identifies the Harrow and Wealdstone Intensification Area as the focus for regeneration and indicates that growth throughout the rest of the Borough will be directed towards town centres and to strategic, previously developed sites. The appeal site does not fall within an Intensification Area.

5. Policy CS1 B sets out, amongst other things, that garden development will be resisted. The supporting Adopted Garden Land Development Supplementary Planning Document (2013) (GLDSPD) seeks to distinguish between redevelopment of previously developed land and the development of private gardens. Whilst the site no longer forms part of a garden the appellant accepts that it is garden land. As such the site falls within the ambit of criterion e) of paragraph 3.1 which relates to 'any land that formed part of a garden but which has been legally and/or physically severed from the donor property(ies)'. The proposal therefore entails the development of a garden for the purposes of the SPD and accordingly the proposal conflicts with Policy CS1 of the CS.
6. The SPD identifies 'gap' sites within a built up street frontage as an exception to the general policy. In this instance, however, the site is not an obvious vacant plot but a corner site which para 3.11 of the SPD indicates does not fall within this exception.
7. As noted, the CS and SPD are older than the London Plan 2021 and as such any conflicts between policies in different plans must be resolved in favour of the more recent policy. I do not, however, find that there is any conflict between the CS and the London Plan in this case. Although Policy H2 of the London Plan supports the delivery of small sites it does not do so at the expense of spatial strategies. Furthermore, the CS does not preclude the development of small sites, other than garden development with certain exceptions. This is consistent with the Framework which at para 70 sets out that plans should consider the case for setting out policies to resist inappropriate development of residential gardens. The CS does predate the London Plan 2021, and small sites make an important contribution to the cumulative delivery of housing numbers. Nonetheless, I find that the overall intention of it, insofar as it relates to this proposal, is consistent with the aims of the London Plan and the Framework, particularly in the way it seeks to deliver a plan-led distribution of growth.
8. Accordingly, the appeal site is not suitably located for new housing as it does not accord with the Council's housing strategy, envisaged by Policy CS1 A and CS 1 B of the CS and the GLDSPD. The identified need for housing and the lack of objection from statutory consultees do not outweigh the harm arising from the unsuitable location of the proposal.

Character and appearance

9. Spencer Road is mainly characterised by two-storey semi-detached and detached dwellings with pitched roofs. Many have two storey bays within projecting gables. They are set back from the road with small front gardens and have a generally consistent building line. The appeal site, whilst untidy in appearance, provides visual relief from its more built-up surroundings, by providing a break in the frontage.
10. The proposed development takes the prevailing forms and facing materials of the locality and interprets them in a contemporary way that would contribute to the visual evolution of the street. The massing of the proposal would be comparable with that of the surrounding properties and its siting would follow the established building line. Nonetheless, given its small corner site the proposal would appear unusually cramped relative to its plot and to the size of the surrounding plots. It would not sit well with the established pattern of development of the area and would appear as an intrusive and discordant

addition to the street scene to its detriment. Even if the granting of permission does not set a precedent for development of other, similar, sites in the street because such sites don't exist the harm arising from this development on its own is unacceptable.

11. I find therefore that the proposal would harm the character and appearance of the area. As such, it would be contrary to Policy D3 of the London Plan 2021, which seeks to optimise site capacity through a design-led approach having regard to, amongst other things, form and layout. The proposal would also be contrary to the design aims of Policy CS1.B of the CS, Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (DMPLP) and guidance in the adopted New Residential Design Guide Supplementary Planning 2010 (RDGSPD).

Living Conditions

12. The proposed dwelling would be in very close proximity to the ground floor window at the rear of 40C Spencer Road and to the ground floor side facing windows within the rear outrigger of No 40B. The introduction of a 2-storey dwelling as proposed would have a significant enclosing and dominating effect on the outlook from such windows. This would substantially reduce the amount of daylight and sunlight reaching the rooms served by those windows to the detriment of the living conditions of occupiers of those properties.
13. The first-floor rear facing bedroom windows of the proposal would result in a high level of overlooking of the rear garden of No 40B. Whilst overlooking of rear gardens is typical within this area, in this case the overlooking is at a much closer range. This would be detrimental to the enjoyment of the garden by the occupiers of No 40B resulting in a significant loss of their privacy, thereby unacceptably harming their living conditions.
14. Due to the intervening rear outrigger of No 40B, their position and the greater separation distance that is achieved, the windows of No 40A and No 42B would not be materially affected by the proposal. The living conditions of the occupants of those dwellings would, therefore, be maintained at an acceptable level.
15. I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 40B and No 40C with particular regard to outlook and light. As such, it would conflict with Policy D3 of the London Plan 2021 and Policy DM1 of the DMPLP, and guidance in the RDGSPD, insofar as they seek to secure a high standard of design that delivers appropriate outlook, privacy and amenity.

Conclusion

16. The proposal would provide a new dwelling, which would make a positive contribution to the supply of housing. However, this would not outweigh the harm to the character and appearance of the area, the living conditions of the occupiers of 40B and 40C Spencer Road, and by way of undermining the Council's housing strategy.
17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

18. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR