



Appeal Decision

Site visit made on 18 October 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2022

Appeal Ref: APP/M5450/W/22/3301767

59 Graham Road, Harrow HA3 5RP

- 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 Ms Pearl Lestrade-Brown against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4094/21, dated 8 October 2021, was refused by notice dated 1 April 2022.
 - The development proposed is the erection of a two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal are:
 - whether the site is an appropriate location for the proposed development with regard to the local development strategy;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether future occupiers would be likely to experience acceptable living conditions in terms of quantum of internal space and level of privacy.

Reasons

Development strategy

3. Policy CS1 of the Harrow Council Core Strategy (2012) (the Core Strategy) sets out that the Harrow and Wealdstone Intensification Area, town centres and strategic previously developed sites in suburban areas will be the focus for new development. While it does not exclude all other land, it also states that garden development will be resisted.
4. Supplementary Planning Document: Garden Land Development (2013) (GLD SPD) defines garden land as any land within the curtilage of a building the principal use of which is residential, including hardstanding and outbuildings, with certain exceptions. Although this list of exceptions includes "communal parking courts and garage blocks" this relates to those within the curtilage of housing estates and purpose-built blocks of flats.
5. At the time of my site visit there were no obvious signs of past garage development having been present on the appeal site and the area was fenced

off as part of the garden of No 59. I concur with the Inspector on a previous appeal on the site¹ that the historic map² and land deeds provide sufficient information to demonstrate garages were located on the appeal site previously. However, this does not confirm that the appeal site falls outside the definition of garden land as the garages only occupied part of the site and an historic planning permission³ required the site to be used exclusively for domestic purposes. I therefore conclude that the appeal site meets the definition of garden land.

6. Garden land development is defined as any development on garden land that results in the formation of one or more new dwellings (houses or flats), again with some exceptions. As the proposed development would result in a new dwelling, it constitutes garden land development.
7. On this basis, I conclude the proposed development is contrary to Policy CS1 of the Core Strategy which sets out the borough's strategy for growth. It would also conflict with the guidance set out in the GLD SPD which supports the implementation of this growth strategy and Chapter 5 of the National Planning Policy Framework (the Framework) concerning the delivery of a sufficient supply of homes.
8. On the decision notice, the Council refers to policies D1 and D3 of the London Plan (2021). As these policies relate to the need for boroughs to undertake area assessments to identify suitable locations for growth and the design-led approach to optimising site capacity, they are not determinative in this main issue.

Character and appearance

9. Located between the rear of No 59 and the Sri Lankan Muslim Cultural Centre (the Cultural Centre), the appeal site fronts onto Whitefriars Avenue. Other uses, including a school and commercial offices, are present nearby. However, the prevailing pattern of residential development in the area comprises two storey terraced and semi detached properties, and the occasional detached dwelling, facing the highway with private gardens to the rear.
10. The rear elevation of the proposed bungalow would be sited close to the side boundary of No 57 but be set away from the boundaries with the Cultural Centre and No 59. Whilst the front elevation includes bay windows designed to reflect others in the locality, it would be sited close to the pavement. Overall, the space around the bungalow would vary from a very small gap to a small garden area and, as a result, would be a cramped and inharmonious feature in the area.
11. I conclude, therefore, that the proposed development would cause unacceptable harm to the character and appearance of the area. In this respect, it would be contrary to Policy D3 of the London Plan, Policy CS1 of the Core Strategy and Policy DM1 of the Harrow Development Management Policies Local Plan (2013) (the Local Plan). Amongst other provisions, these policies seek to enhance local character whilst resisting development that harms the character and appearance of an area.

¹ APP/M5450/W/20/3262798

² Ordnance Survey map dated 1961-1965

³ Dated 26 March 1962 for the conversion of the appeal site to two self-contained flats and erection of two garages.

12. In addition, it would not accord with the design principles set out in the Supplementary Planning Document: Residential Design Guide (2010) (RDG SPD) and Chapter 12 of the National Planning Policy Framework (the Framework) which, amongst other things, seek to ensure development is well designed and sympathetic to local character.

Living conditions

13. Policy D6 of the London Plan stipulates the minimum internal space standard for new dwellings. Whilst the appellant identifies the proposed bungalow as a two-bedroom, three person dwelling, and the internal layout of each room is not illustrated, the application plans state bedroom areas of a sufficient size for four people. Accordingly, the minimum internal space standard for a two-bedroom, four-person single storey dwelling totals 70sqm. Based on the evidence before me, the proposed development would provide a gross internal floor area of 64sqm which is substantially below the minimum standard. As such, it would result in cramped living conditions for future occupiers.
14. The proposed dwelling would front onto Whitefriars Avenue with the windows serving the bedrooms and lounge located close to the pavement. I acknowledge that resident's expectations of privacy can vary significantly between locations. However, the proximity of the bedroom windows to the pavement, combined with the lack of defensible space, would provide close views into these private spaces. As such, this would not afford occupants an acceptable level of privacy.
15. I acknowledge that the quantum of outdoor amenity space proposed would be larger than the minimum standards set out within the Mayor of London Housing Supplementary Planning Guidance (2016) (the Housing SPG) and its final design could be approved via condition. Given its siting to the side, rather than rear, of the bungalow means it would form part of the frontage along Whitefriars Avenue. As the submitted plans do not currently show any boundary features along this frontage, future occupiers of the bungalow would not experience an adequate level of privacy when using the garden. Additionally, given the size and orientation of the outdoor amenity space, I cannot be certain that boundary features required for privacy would permit sufficient levels of sunlight reaching this space.
16. I therefore conclude that future occupiers of the proposed development would not experience acceptable living conditions as adequate internal space and levels of privacy would not be provided. As such, it would be contrary to Policy D6 of the London Plan and policies DM1 and DM26 of the Local Plan. These policies, amongst other provisions, seek to ensure new development provides the appropriate levels of internal space and privacy to future occupiers.
17. I also find conflict with the design principles set out in the Housing SPG and the RDG SPD which requires the careful design of new development to provide a high standard of amenity and privacy for new occupiers. Similarly, I find conflict with Chapter 12 of the Framework which seeks to ensure development is well designed with a high standard of amenity for existing and future users. Additionally, it would not meet the National Housing Standards – Nationally Described Space Standards (2015) in respect of the quantum of internal living space.

Conclusion

18. 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 outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR