



Appeal Decision

Site visit made on 4 October 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/M5450/W/22/3295600

1 Earls Crescent, Harrow HA1 1XL

- 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 Juan Diaz L2D Ventures Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3850/21, dated 6 July 2021, was refused by notice dated 18 November 2021.
 - The development proposed is retention of existing dwelling house and construction of new single storey dwelling within rear garden. Subdivision of garden and two new cycle storage sheds. Demolition of existing garden shed. Alterations to fencing and to parking area to ensure provision for off road parking for three vehicles.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, the garden of No.1 Earls Crescent appeared to have been severed from the donor property and the off-road parking for three vehicles had been created. However, I have assessed the proposed development on the basis of the submitted plans.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises part of the garden to No.1 Earls Crescent. No.1 is a corner property and has a long side garden boundary with Princes Drive, which the appeal proposal would front and be accessed from. The appeal proposal would be sited in between the flank wall of No.7 Princes Drive and rear of No.1. This is a residential area, and the house types predominantly consist of substantial 2-storey semi-detached dwellings with rendered gabled features. Whilst there are a variety of outbuildings in equivalent corner plots, there is a regular pattern and spacing of buildings and back-to-back gardens in this area. The back-to-back gardens, and space afforded to corner properties amongst otherwise built-up frontages provide some openness and a consistent character, which the appeal site contributes positively towards.
5. The Council's Supplementary Planning Document Residential Design Guide 2010 (RDG) acknowledges that gaps between buildings on corner plots and rear gardens form part of Harrow's suburban identity. The appeal proposal

would be sited in such a location and in very close proximity to No.7. It would not leave a significant gap. In combination with its proximity to No.7, its position from the pavement, would also result in the appeal proposal visually encroaching upon No.7. The proximity to No.7 and position of development within a corner garden plot would erode the spatial quality of the area. Whilst I note the position and proximity of the development at No.2 Dukes Avenue, this does not appear completely reflective of the general prevailing character and appearance, so does not create a clear precedent to follow.

6. The appeal proposal would be of smaller scale and of a differing design to the surrounding 2-storey semi-detached dwellings. Whilst the design and external appearance would incorporate some features common to the area including suitable materials, and sufficient garden space would appear to be provided, the resultant scale, proportions and height would nonetheless be at odds with the prevailing character of the area. Although other matters such as flood risk, amenity space and biodiversity, landscape and parking are either acceptable or could be made so through the imposition of conditions, nevertheless the proposal would not form a satisfactory composition in its setting of regularly designed and spaced dwellings.
7. I appreciate that there are outbuildings, which are sited within rear garden locations, which are akin to the appeal situation in the corner plots along Dukes Avenue and Earls Crescent. However, in contrast to the appeal proposal, these tend to have flat roofs, do not present an active frontage onto the street and would be lower overall. The design, encompassing a pitched roof with a gabled feature and its overall height would clearly be a dwelling and not reflect the appearance of a subordinate outbuilding. The appeal proposal would therefore appear as an incongruous form of development. The fact that the site is not within a Conservation area does also not justify development which for the reasons stated above would be harmful.
8. Taking the above matters into consideration, I conclude that the development would have a harmful effect on the character and appearance of the area.
9. Turning to Policy CS1.A of the Harrow Core Strategy 2012 (Core Strategy), this sets out the spatial strategy for growth in Harrow. Outside of the Harrow and Wealdstone Intensification Area, growth will be directed to town centres and previously developed sites, a matter endorsed by the Framework within paragraphs 119 – 120. The appeal site is not within these locations by virtue of being garden land, and the Council has indicated that the Borough has allocated enough land to meet its housing targets and no evidence to the contrary has been presented that these are not being met.
10. Core Strategy Policy CS1.B seeks to resist garden development, supported by the Council's Supplementary Planning Document: Garden Land Development 2013 (GLD). I note that other appeal decisions have found that this approach may not be consistent with the Framework, and development of this scale may be unlikely to prejudice the overall spatial strategy. However, the relevant part of the policy is expressed within aims of protecting local character.
11. Therefore, while in other scenarios, within the appeals presented to me, the loss of garden land alone may not have resulted in the refusal of permission. In this case the harm to the character and appearance would result in conflict with the aims of Policy CS1, read as a whole, and contrary to The London Plan 2021

Policy D3.D(1), and Harrow Development Management Policies Local Plan 2013 Policy DM1, the RDG and GLD. This is insofar as these policies seek, amongst other things, to ensure development is locally distinctive with a high standard of design and layout in respect of the character of the area. The proposal would also be contrary to the National Planning Policy Framework 2021 (the Framework) where it states development should be sympathetic to local character and surrounding built environment.

Other Matters

12. The appeal proposal would contribute to the supply of housing in the Borough, be within a sustainable location and future occupiers would contribute to the local economy. However, given the scale of the development, the weight afforded to this would be minimal.

Conclusion

13. 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.
14. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR