
Appeal Decision

Site visit made on 5 April 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/M5450/W/22/3307386

147 Eastcote Lane, South Harrow, Harrow HA2 8RR

- 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 Marlpark 71 HA4 Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1367/22, dated 7 April 2022, was refused by notice dated 18 August 2022.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have dealt with another appeal (Ref: APP/M5450/W/22/3307397) on this site. That appeal is subject of a separate decision.

Main Issues

3. The main issues are:
 - Whether or not the proposal would accord with the Council's spatial strategy for growth;
 - The effect of the proposal on the living conditions of future residents of the dwelling with particular reference to defensible space in front of the proposed ground floor bay window; and
 - The effect of the proposal on highway safety and pedestrian and cyclist convenience.

Reasons

Spatial Strategy for Growth

4. The appeal site comprises two parcels of land. The first comprises an existing detached house, associated garden and detached garage. The second comprises an area described by the appellant as grass covered unadopted highway land but there is some dispute about the status of this land. I observed that this part of the appeal site is no longer grass covered as it has been gravelled with planting along the boundary.
5. The proposal would involve the development of the end of the garden. The existing garage would be removed, and the new dwelling would be sited

partially on the footprint of the garage and partially on the existing garden area.

6. Policy CS1 of the Harrow Core Strategy – February 2012 (HCS) sets out a strategy to manage housing growth in Harrow, including resisting development on gardens. The supporting text explains that private residential gardens are excluded from the definition of previously developed land and in view of their local importance (as part of suburban character, an important component of the quality of life enjoyed by residents, natural drainage and important local habitat) and the propensity for such sites to lead to unmanaged incremental growth, the spatial strategy directs that development needs to be met on previously developed sites and will resist development on garden land.
7. The Council has also adopted the Harrow Garden Land Development Supplementary Planning Document (GL SPD) which explains that the presumption against garden land development exists to ensure that the Borough's housing growth is delivered in accordance with the spatial strategy by preventing incremental residential growth on garden land leading to a harmful degree of dispersal. As the proposed dwelling would result in garden land development it would result in unmanaged incremental growth of the type Policy CS1 of HCS and the GL SPD seek to resist.
8. I therefore conclude that the proposal would undermine the Council's spatial strategy for growth and is at odds with Policy CS1 of the HCS and the guidance provided in the GL SPD and the National Planning Policy Framework (the Framework) in so far as these policies and guidance seek to ensure that growth will be managed in accordance with the Council's spatial strategy and that in support of that strategy development of garden land will be resisted.

Living conditions of future occupants

9. The appeal site comprises an area described as grass covered unadopted highway land which on the plans is annotated as existing verge maintained. The ground floor bay window serving the living room would look out onto this space. Notwithstanding this area has now been gravelled and boundary planting has been introduced, the plans show this area as being open.
10. However, even if the verge would be maintained as shown on the plan, I do not consider that the proposal would have an unacceptable impact on the living conditions of future occupants. That is because this land would closely relate to the appeal site and would appear distinct from the public space, including the footpath, cycleway and roadside verge that runs along this part of Alexandra Avenue.
11. On that basis, I consider it is not likely that passers-by would encroach on this land to peer through the windows. In any event the proposed window would allow surveillance of this area and consequently the proposal would not result in an unacceptable breach of secured by design principles which seek to reduce crime.
12. I therefore conclude that the proposal would not have an adverse impact on the living conditions of future occupants with particular reference to defensible space in front of the proposed ground floor bay window. The proposed development would therefore accord with Policy D3 of the London Plan - The Spatial Development Strategy for Greater London March 2021 (the London

Plan), Policy CS1 of the HCS and Policies DM1 and DM23 of the Harrow Council Development Management Policies July 2013 (HCDMP) which amongst other things seek to ensure that development is of a high standard that delivers appropriate privacy and amenity.

13. The proposal would also accord with the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users. In their reasons for refusal the Council has referred to the Supplementary Planning Document – Residential Design Guide and have provided Section 6 of that document. However, this relates to householder development and is not directly relevant to my consideration of this appeal.

Highway safety

14. Currently the appeal site has a double garage and area of hardstanding at the bottom of the garden of the existing house. The proposal would involve an increase in the hardstanding area in front of the proposed dwelling. The appellant accepts this could be used for a level of parking that would exceed the maximum parking provision set out in the London Plan. As part of the appeal process, they have illustrated how this could be addressed and have suggested that a condition could be imposed to specify the number of parking spaces to ensure the proposal would not exceed the maximum parking provision specified in the London Plan. I agree that a suitably worded condition could be imposed to ensure the proposal would have a satisfactory car parking arrangement.
15. Further, given that there is already an area of hardstanding and a double garage in this part of the appeal site, vehicles can already enter and leave this area. There is no evidence before me to suggest that this arrangement has caused any highway safety concerns. The proposed new access would result in minor changes to the existing access arrangements and hardstanding area and would be acceptable. Given my findings on parking provision, the proposal would not result in vehicle access and parking being unsatisfactorily prioritised over walking and cycling. As a result, the proposal would not have an unacceptable impact on highway safety nor materially diminish the convenience of pedestrians and cyclists.
16. I therefore conclude that the proposal would not have an adverse impact on highway safety, nor would it unacceptably diminish the convenience of pedestrians or cyclists. The proposal would not conflict with Policies T4, T6 and T6.1 of the London Plan or with Policy DM42 of the HCDMP, which amongst other things resist proposals that result in inappropriate on-site parking provision, that prejudice highway safety, increase road danger and diminish the convenience of pedestrians and cyclists. The proposal would also accord with the Framework which highlights that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

17. The appellant has referred to a recent appeal decision and explained that the Inspector noted that *"the presumption against garden development as set out in the Council's SPD aims to ensure that the Borough's housing growth is delivered in accordance with the spatial strategy."* I agree with the short summary of the decision provided by the appellant. Very few details of the other appeal decision have been provided, but as I have found that the

proposal would undermine the Council's spatial strategy for growth, my decision does not appear to be inconsistent with it. The appellant also considers that the redevelopment of the former Matrix public house to the north of the appeal site sets a precedent for intensification of the use of the site. However, the redevelopment of a public house on the opposite side of the road is materially different from this proposal and does not justify development that would undermine the Council's spatial strategy for growth.

18. The appellant acknowledges that Harrow's Monitoring Report 2019/20 demonstrates that there is sufficient supply of land to meet its five year housing targets, but points out that this was based on the previous London Plan target. They highlight that the latest plan sets higher figures and that Policy H2 emphasises the importance of small sites in meeting London's housing needs. However, while I accept that the proposal would result in an additional house on a small site, given that this would only add one dwelling any benefit associated with the proposal is clearly outweighed by my finding that the proposal would undermine the Council's spatial strategy for growth.
19. The appellant has mentioned that they received pre-application advice on a larger flatted scheme and officers confirmed that the provision of larger family units was supported, the preservation of the building line along Eastcote Lane and the proposed height of the building were positive attributes, the scheme would sit comfortably and appropriately on the site, would mirror the redevelopment opposite and would maintain a spacious quality to the junction. However, any pre-application advice received was on an entirely separate proposal which would have had a materially different impact on its surroundings and does not alter my conclusions on the main issues.
20. The appellant also points out that the Council considered that the proposal would be acceptable in architectural design terms, would not harm the visual amenities or living conditions of neighbouring residents and raised no concerns about existing trees on the site. However, these other matters do not justify harmful development that would conflict with the spatial strategy set out within Policy CS1 of the HCS.

Conclusion

21. I have found that the proposal would not have an unacceptable impact on highway safety nor materially diminish the convenience of pedestrians and cyclists and would not have an adverse impact on the living conditions of future occupants. It would also comply with related policies within the London Plan and HCDMP. However, for the reasons given above, I have also found the proposal would undermine the Council's spatial strategy for growth, contrary to Policy CS1 of the HCS. The London Plan, HCS and HCDMP comprise the development plan. Taking account of all the above, I conclude the conflict with Policy CS1 of the HCS means the proposal would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made otherwise in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR