



Appeal Decision

Site visit made on 16 May 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2023

Appeal Ref: APP/M5450/W/22/3313135

2A Dale Avenue, Harrow, Edgware HA8 6AE

- 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 Dhiresh Kerai against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2524/22, dated 7 July 2022, was refused by notice dated 16 November 2022.
 - The development proposed is the construction of a pair of 2-storey three-bedroom semidetached house including demolition of existing 2-bedroom detached house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site is appropriate for the proposed development, having particular regard to the Council's spatial strategy for growth.
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Whether site is appropriate for the proposed development

3. The appeal site lies on the corner of Dale Avenue and Camrose Avenue and comprises the redevelopment of an existing residential plot.
4. Policy CS1.A of the Harrow Core Strategy – February 2012 (the CS) states that growth will be managed in accordance with the Spatial Strategy. It directs that the Harrow and Wealdstone Intensification Area will provide almost half of the Borough's new homes over the plan period. Growth throughout the rest of the Borough will be directed to town centres and strategic previously developed sites, and managed in accordance with other policies of the CS. The appeal site does not form part of the Harrow & Wealdstone Intensification Area, nor does it comprise part of a town centre or a strategic previously developed site, for the purposes of Policy CS1.A.
5. Policy CS1.B of the CS advises that proposals that would harm the character of suburban areas and garden development will be resisted. The policy is supported by the Harrow Local Plan Supplementary Planning Document – Garden Land Development – Adopted April 2013 (the GSPD). The introduction

to the GSPD advises that its purpose is to support the implementation of the CS in respect of garden land development. It seeks to clarify, for the benefit of applicants and decision makers, how the Council intends the local presumption against garden development to be applied and to draw a distinction between this type of development and the redevelopment of previously developed land. Although the GSPD comprises guidance only and does not form part of the development plan, I attach moderate weight to it insofar as it relates to the interpretation of the development plan.

6. Paragraph 3.1 of the GSPD advises that for the purposes of implementing Policy CS1.B, 'garden land' means any land within the curtilage of a building the principal use of which is residential. For the avoidance of doubt this includes, inter alia, gardens of houses and any hardstandings, outbuildings and other structures located on the garden land. No distinction is made between front, side and rear gardens. Even bearing in mind the status of the GSPD and the weight that may be attached to it, in the absence of any other definition set out in development plan policy or guidance, it appears clear that the appeal site does comprise garden land for the purposes of Policy CS1.B.
7. Paragraph 3.7 of the GSPD sets out exception criteria for development proposals on garden land, in that the Council will allow any enlargement in footprint that is equivalent to whichever is the larger of either: i) the footprint of any permitted extensions (excluding outbuildings) that could be exercised for the dwelling(s); or ii) the footprint of an extension (excluding outbuildings) that would be consistent with Harrow's Residential Design Guide SPD.
8. Paragraph 3.8 of the GSPD makes it clear that when considering points i) and ii) above, regard will be had to any increases in footprint already exercised as permitted development, or implemented from planning permission(s), in respect of the existing dwelling(s) to be demolished. It goes on to state that this does not imply that the location or size of an extension that could be carried out as permitted development can necessarily be acceptably incorporated into a redevelopment proposal.
9. There is disagreement between the main parties on the figures for the original footprint of the dwelling and its potential increase through planning permissions or permitted development. I acknowledge that the property benefits from prior approval consent for a single-storey rear extension¹. However, the other increases to the footprint are largely based on what may theoretically be possible and are not supported by any other relevant permissions or lawful development certificates.
10. Whilst the prior approval consent provides a reliable figure against which to calculate some of the potential uplift in footprint, this is the only potential addition to the property to which I can ascribe any reasonable weight in accordance with points i) and ii) above. Based on the disagreement over what comprises the original footprint and the potential works that could comprise permitted development, and that I am not in possession of any permissions or certificates to demonstrate such works could lawfully proceed, I can give only very limited weight to the other potential increases to the footprint. I acknowledge the appellant's statement that the Council has provided inconsistent feedback on this matter over the course of recent planning applications, including within officer reports. Whilst I appreciate this

¹ P/1593/20/PRIOR

inconsistency is not helpful, the lack of certainty on this matter means the figures cited in recent officer reports carry only limited weight.

11. I also acknowledge that the officer report for application P/1642/20 considered that potential extensions to the property could create a footprint of 137.6. The development proposed by this previous application was found to be acceptable in terms of the GSPD because it would have a smaller footprint, at 137.3 square metres.
12. By comparison, the officer report for the current proposal uses a smaller figure of 129 square metres for the total potential extensions to the footprint. The proposed development would have a footprint of 138.6 square metres, which would exceed the total potential footprint and would fail to accord with the GSPD.
13. In this case, whilst the figures cited in the officer reports are inconsistent, I am provided with insufficient evidence to demonstrate that any of the cited figures could be relied upon. Moreover, the proposed development would exceed even the most generous figures cited for the potential uplift in footprint, albeit only marginally. Accordingly, I do not find the proposed development would meet the exception criteria.
14. To conclude on this matter, the development proposes additional housing on garden land which does not meet the relevant exception criteria and fails to accord with the Council's Spatial Strategy. As such, the proposed development would be contrary to Policies CS1.A and CS1.B of the CS, which together seek to manage growth in accordance with the Spatial Strategy and for proposals that would harm the character of suburban areas and garden development to be resisted. The proposals would also conflict with the GSPD, which provides a detailed interpretation of the CS policies, and the National Planning Policy Framework (the Framework), which includes provision to resist inappropriate development of residential gardens.

Character and appearance

15. The immediate surroundings are predominantly residential in nature comprising mainly of 2-storey detached, semi-detached and terraced houses. There are also some limited examples of bungalows, including directly adjacent to the appeal site on Dale Avenue. The property currently occupying the appeal site is a 2-storey traditional detached house featuring characteristic details including front bay windows at ground and first floor. Whilst some neighbouring dwellings are semi-detached or terraced, its general detailing reflects much of the surrounding area.
16. The proposed development would comprise the replacement of the existing 2-storey detached dwelling with a pair of 2-storey semi-detached dwellings including accommodation in the roofspace.
17. The appeal site lies on a corner of a road junction, with Camrose Avenue in particular being a busy thoroughfare. Although there is an abundance of passing vehicular and pedestrian traffic in the vicinity, the site has a relatively spacious feel, with the dwellings on the opposite side of Camrose Avenue being well set back from the main roadside. The existing single-storey flat-roofed garage extends to the side boundary of the appeal site, adjacent to the boundary with the relatively wide public footway which includes a bus stop.

18. Policy DM 1 of the Harrow Council Development Management Policies – July 2013 (the DMP) sets out general principles to achieve a high standard of development, including considerations relating to design and layout.
19. The Supplementary Planning Document – Residential Design Guide – Adopted 15 December 2010 (the RSPD) seeks to amplify the main considerations already set out in relevant development plan policies. The RSPD relates to new residential development, conversions and household extensions. Whilst guidance for each type of development is contained within separate sections, I consider there will be instances where more than one section is relevant to the proposed development. Because it comprises the redevelopment of an existing dwelling in an established residential street, the principles of the sections relating to new development and household extensions are relevant to the appeal proposal. Although the role of the RSPD is limited given its status of guidance only, and it was adopted prior to the adoption of the current development plan, I give it moderate weight insofar as it elaborates on the aims of relevant development plan policy.
20. The appellant has set out several examples of how the current proposal seeks to address issues raised in previous decisions, with particular reference to the inclusion of an additional setback on the first-floor side elevation facing Camrose Avenue.
21. The current proposal has a very different appearance and overall scale to those considered under previous planning applications and appeals. Furthermore, these previous examples also exhibit a strong degree of variation between themselves. As such, whilst I am mindful of the matters drawn to my attention in the previous examples, the considerations are very different, and I must determine the current appeal on the basis of the individual details proposed. As such, the matters raised in the previous decisions relating to character and appearance hold limited weight in my determination of the appeal.
22. Although the footprint of the existing dwelling extends to the side boundary, this element of the dwelling is a flat-roofed single-storey garage that does not project significantly above the existing close-boarded fencing defining the side boundary. The main bulk of the 2-storey dwelling is set several metres inward of the side boundary. As such, the massing of the existing dwelling very much maintains the spacious character of the appeal site and its surroundings when viewed from both directions along Camrose Avenue.
23. Although I note reference has been made to the corresponding building lines on Camrose Avenue, the existing dwelling sits at an obscure angle in relation to neighbouring dwellings facing Camrose Avenue and does not bear any strict relationship to their building lines. However, the neighbouring building lines are a relevant consideration insofar as they retain a spacious separation between the 2-storey form of the dwellings and the Camrose Avenue footway. The proposed development would extend the 2-storey built form on the site significantly closer to the side boundary. This would greatly reduce the gap between the built form and the Camrose Avenue footway and diminish the contribution made by the site to the spacious character of the area. Whilst I acknowledge that the proposal would set the first floor back from the side boundary, as advised by the RSPD, this provides guidance only and also makes clear that site considerations will also be taken into account in establishing the acceptable scale of any proposed extension at first floor level.

24. In addition, the development would feature a gable end roof, the massing and appearance of which would appear uncharacteristic in the context of the surroundings. Whilst there are some sporadic examples of such roofs in the immediate area, these are largely limited to the opposite side of Camrose Avenue and there are no specific examples immediately related to the site.
25. The front elevation would be broadly symmetrical and would have the clear appearance of a pair of semi-detached houses, which would fit with the surrounding context. However, whereas the feature bay windows in the existing dwelling and those of neighbouring dwellings are generally aligned at ground and first-floor level, the proposed development illustrates the ground and first-floor windows on the front elevation to be offset from one another. This fails to reflect the characteristic detailing of the surrounding area and, to my mind, explains the Council's use of the term 'fenestration does not align', which the appellant has queried. The appellant has queried some of the other terms raised in the officer report relating to the detailed design of the proposals. However, I view these to be matters of planning judgement that parties may invariably take different views on.
26. For the reasons above, the cumulative effects of the proposed development would result in harm to the character and appearance of the area by virtue of its prominent siting, excessive width, inappropriate design, proximity to site boundaries and lack of adequate setting space. The proposed development would therefore conflict with Policies D1 and D3(11) of The London Plan – March 2021, Policy CS1.B of the CS and Policy DM1 of the DMP. Together these policies seek, among other objectives, to respond to the existing character of a place, to consider urban form and structure, to avoid harm to the character of suburban areas, and to achieve a high standard of design and layout. The proposed development would also conflict with the provisions of the RSPD and the Framework, which have similar aims.

Other Matters

27. Whilst there appears no dispute as to whether the Council is meeting its housing targets, it is acknowledged that the proposed development would deliver certain benefits, including the provision of an additional self-contained residential unit to add to the Borough's housing stock. However, given the harm previously identified, such benefits would be of limited weight in the overall balance.
28. The appellant has queried whether, in the event of the appeal being dismissed, the Inspector could provide an indication of any modifications necessary to make the proposal acceptable. However, it is not the purpose of the appeal process to guide future development proposals. Cumulatively, there are several factors that make the current proposal unacceptable. To give an indication of what would be acceptable would prejudice future decision-makers.

Conclusion

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

P Storey

INSPECTOR