



Appeal Decision

Site visit made on 17 June 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2023

Appeal Ref: APP/M5450/D/23/3318008

24 Winkley Court Eastcote Lane HARROW HA2 8RT

- 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 Mrs Chamime Pachtounzai against the decision of The London Borough of Harrow.
The application Ref: P/4254/21 dated 19 October 2022 was refused by notice dated 21 December 2022.
 - The development proposed is Installation of 1m high brick pier boundary wall with front and rear pedestrian gates and electronic sliding vehicle entrance gate to side.
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Decision

1. The appeal is allowed and planning permission is granted for Installation of 1m high brick pier boundary wall with front and rear pedestrian gates and electronic sliding vehicle entrance gate to side at 24 Winkley Court Eastcote Lane HARROW HA2 8RT in accordance with the terms of the application Ref: P/4254/21 dated 19 October 2022 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 637/03A, 637/04A, 637/05A, 637/06A
 - 3) No development above ground level shall be commenced until samples or detailed trade descriptions of all materials to be used in the construction of the external surfaces of the development hereby permitted, including details of the gates, have been submitted to, and approved in writing by, the local planning authority. The development shall proceed in accordance with those details unless varied with the written permission of the local planning authority.
 - 4) No development above ground shall be commenced until details of proposed soft landscaping and associated paving of the parking area have been submitted to, and approved in writing by, the local planning authority. The development shall proceed in accordance with those details unless varied with the written permission of the local planning authority.

Main Issues

2. The main issues are the effect of the development upon:
 - Character and appearance of the area
 - Parking provision and the operation of the Highway

Reasons

Parking Provision

3. The appeal site is an unsurfaced area of land located between the flank wall and front/rear gardens of 24 Winkley Court and Eastcote Lane which is a local distributor road with there is good availability of unrestricted parking. Winkley Court is a dense development of two-storey housing dating from the 1960s arranged in tight terrace blocks. The constricted layout provides limited access to highway frontage and (other than some garaging) informal communal, rather than designated, parking.
4. The Council suggest that the result of the proposal would be the 'loss of existing parking'. The application does not propose a material change of use but merely works which would allow use of the land to be controlled as well as measures which would enhance the appearance of the area if carried out to an appropriate standard. There is nothing before me to indicate that this would affect the operation of the highway network or its safety, nor is it demonstrated that the result of the works proposed would significantly diminish the provision of parking. Even if the appellant were to restrict use such that vehicles were displaced there is a good availability of on street parking on Eastcote Lane and little evidence of parking stress in the wider area.
5. The Council refer to a condition attached to the 1962 grant of consent to develop the area in which the appeal site is located but no plan is provided. The relevance of that condition to this application is not clear and that is not a matter before me to determine. The appellant asserts that the appeal site is private land (which the application form confirms) and 'residential curtilage' in which regard I can only observe that the appeal site was laid out for parking and appears to have been so for some time. These competing positions, in so far as they relate to the nature and lawfulness of the land use, are not before me to determine, nor are questions of easements and rights, which some objectors have raised, planning matters.
6. Policy DM42 of the Harrow Development Management Policies Local Plan (2013) (DMLP) is principally directed at parking standards for new development but does at (F) indicate that '*proposals which wouldcreate significant on street parking problems, prejudice highway safetywill be resisted*'. However, given the limited scope of the application and that the Council's objection is based on an unevidenced assumption as to displacement of parking, I see little conflict with this policy. Further, noting the reference to police involvement as to allegations of abandoned cars rubbish and fly tipping on the appeal site it appears the works proposed would accord with policy DM42 (E) of the DMLP where it refers to '*...design and layout of parking areas (being) safe, secure and fit for purpose*' as this objective could be partly secured by condition as to the layout and detailing of what is proposed.

Character and appearance

7. The appeal site is a poorly maintained parcel of land which does not make a positive contribution to the street scene and gives the impression of being

unmanaged and uncontrolled due to the absence of any enclosing walls or other demarcation, a likely contributory factor to the management issues referred to by the appellant. The proposal would offer an opportunity to address this and to enhance the street scene in a practical manner; what is proposed would certainly not be out-of-place with the existing types of boundary treatments and it is surprising that the Council did not seek to engage positively with the applicant at the relevant time. Subject to matters of detail, paving and landscaping, the proposal would make a positive contribution to the character and appearance of the area.

8. I conclude that the proposal would not conflict with Policy DM1 of the DMLP which seeks a high standard of development, nor, noting also my conclusion on the first main issue, would the proposal fail to accord with the development plan as a whole. In consequence the appeal succeeds subject to the usual plans and timing conditions and a requirement for detailing of materials, hard and soft landscaping which is necessary to ensure the basis on which I have reached my decision is sustained.

Andrew Boughton

INSPECTOR