



Appeal Decision

Site visit made on 22 June 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2023

Appeal Ref: APP/M5450/W/23/3315104

St Dominic's Sixth Form College, Mount Park Avenue, Harrow HA1 3HX

- 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 St Dominic's Sixth Form College against the decision of London Borough of Harrow.
 - The application Ref P/1146/22, dated 21 March 2022, was refused by notice dated 26 July 2022.
 - The development proposed is described as the demolition/removal from site of large timber maintenance chalet, steel shipping containers and steel spiral steps; installation of three number pre-fabricated teaching rooms and timber linking structure.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition/removal from site of large timber maintenance chalet, steel shipping containers and steel spiral steps; installation of three number pre-fabricated teaching rooms and timber linking structure, at St. Dominic's Sixth Form College, Harrow, HA1 3HX, in accordance with the terms of the application, Ref P/1146/22, dated 21 March 2022, and the plans submitted with it, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. My site visit identified that the timber maintenance chalet and steel shipping containers have already been removed from the site. The appellant has explained that this was due to their deterioration and matters of safety. As they are included within the description of development and on the plans, I have therefore considered the appeal on a part retrospective basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring property 'Duneaves', with specific regard to their outlook from ground and first floor windows;
 - the effect of the proposed development on the character and appearance of the area, including on the settings of listed buildings, and on the preservation or enhancement of the Sudbury Hill Conservation Area (SHCA) and the Mount Park Estate Conservation Area (MPECA); and
 - if any harm is found, whether any benefits of the proposed development would outweigh that harm.

Reasons

Living Conditions

4. The wider site of St Dominic's Sixth Form College (the College) contains four main buildings. The appeal scheme would extend the Hume Building with 3 'teaching pods' around one corner, connected by a lower linking structure. Directly adjoining the site is Duneaves, a building comprising several flats. Several of its ground and first floor windows allow close views over the appeal site, which are not fully obstructed by the existing boundary fence.
5. One of the pods would bring built form close to the Duneaves windows. Private views are not in themselves protected. However, as views from the ground floor window views are already partially blocked by the fence, their remaining open sky views are important. These would be interrupted by the new massing. To a lesser extent, first floor windows would also be affected. Even with the pod being single storey and set into the slope, overall its relatively wide side elevation in combination with this limited separation distance would result in a material loss of outlook, leading to a harmful sense of enclosure.
6. The potential to incorporate green sedum roofs has been suggested through imposition of a condition. These would mitigate the harm to some extent by providing a greener appearance of the outlook more akin to the current lawn, but would not sufficiently reduce the close range massing impact overall.
7. The lack of objections from the Duneaves occupiers, or that their privacy would be unaffected, does not equate to a lack of harm. While the Hume Building may not provide positive aesthetics within current views, it does not harmfully affect outlook as would the new pod. I have also not been provided with specific evidence of existing Duneaves views into the site being a problem for the privacy and security of the college users, or vice versa.
8. In conclusion, the proposed development would result in moderate harm to the living conditions of the occupants of Duneaves, with specific regard to their outlook from ground and first floor windows. This would be contrary to Policy DM1 of the Harrow Council Development Management Policies (DMP) (2013), and Policy D3 of The London Plan (2021). Together these require that development proposals should have regard to impact on neighbouring occupiers, and deliver appropriate outlook and amenity, including with regard to the overlooking relationship between windows and outdoor spaces, and the visual impact of development when viewed from within buildings.
9. It would also conflict with the National Planning Policy Framework ('the Framework') (2021) paragraph 130, which requires development to have a high standard of amenity for existing and future users. Although the Council's reason for refusal also cited Core Policy CS1(B) of the Harrow Core Strategy (CS) (2012), I do not find this is of direct relevance to matters of outlook.

Character and Appearance

10. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of the proposal on the special architectural and historic interest of listed buildings and their settings. The DMP Policy DM7 reinforces this approach to heritage assets, and

section 16 of the Framework also requires that great weight should be given to the conservation of designated heritage assets.

11. The local list includes 3 nearby buildings. 'Rowney' is a residential property on the opposite side of Mount Park Road and has no direct sightline to the appeal scheme due to the intervening large college building. The appeal site is not within its setting.
12. St. Dominic's Chapel sits within the College site. Its significance lies with its association to the College's historic development and its attractive stone architectural features and stained glass. With no direct proximity nor direct sightline to the proposal, it would still be appreciated as a separate asset, and is of substantial size and height in comparison. The significance of its architectural and historic interest would therefore be unaffected.
13. Duneaves is the closest listed property, with its physical relationship described above. Its significance is as a historic property contributing to the development of the area's layout and character, with an orientation which highlights the local topography and allows for an important short-distant view.
14. The appeal proposal would bring change within this setting, through its height and massing increase, as well as its new materials. However, it would have a clear separation in function and form to Duneaves. Key views of the property and alongside it would not be interrupted. Views of and from its rear are not of particular heritage significance, and are already set within the context of more modern outbuildings, as well as the large Hume Building. Overall therefore, the effect of the proposal on the visual and historic contribution of the setting and the main significance of Duneaves would cause no harm to this designated heritage asset.
15. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am also required to pay special attention to the desirability of preserving or enhancing the character or appearance of the SHCA within which the site lies, as well as the setting of the directly adjacent MPECA.
16. The SHCA is largely characterised by prominent detached Victorian villas, and a ribbon like plan form with winding roads, changes in gradient, and dense vegetation. Its significance derives from this interesting and varied townscape, its key internal and long distance views, and greenery throughout. It has a generally semi-rural character, with a rich architecture of buildings and strong building forms. There is a similar character and significance of the adjacent part of the MPECA, with handsome late Victorian and Edwardian houses occupying positions on the undulating slopes, in a rich landscaped setting creating a feeling of seclusion.
17. The site lies within a SHCA character area identified as 'private and secluded side roads', of dispersed, low density development and a green nature due to plentiful vegetation. Apart from the front view of the Chapel, the wider College site and the appeal site within it are not identified as being within any important views. The College formation led from the development of the Chapel and the original mansion at the heart of the Mount Park Estate. Its grounds are heavily treed, particularly in its southern extent, and alongside other vegetation this creates a sylvan and peaceful character notwithstanding the numbers of users. This landscaping directly contributes to the character and appearance of this part of the SHCA.

18. The proposal would reduce some openness as well as a small area of lawn, but not to the extent as to unduly affect the overall character of the site. Furthermore, green sedum roofs are proposed, alongside additional mitigatory planting. This is within the context of a wider College re-planting scheme underway to replace dead saplings, including the 3 identified on the site plans which have since died. The pods would also beneficially replace outbuildings which had no particular design merit, or a positive relationship to the wider site.
19. The Hume Building is a 2 and 3 storey building, dependent on topography, with a large and bulky massing. The proposal would project outwards in a non-uniform manner around one corner, however, being single storey and at the lowest ground level the pods would be subservient. The visual character and design of the Hume Building, including its unified square footprint, is not a particular asset of the SHCA. The proposal would add significant interest and juxtaposition to this solid massing.
20. The pods would be a unique and relatively vibrant design with an ever-changing colour scheme, but in muted tones which would reflect the landscape and vegetated character of the site and the SHCA. To some extent the proposed form also results from the construction complexities for the site. While they would involve a non-traditional material of a unique panel cladding, the rest of the campus displays no particular design aesthetic or solely comprises traditional materials, having evolved over many decades. There is a varied materiality including for example the more modern industrial steel sports hall. Overall therefore, I find the proposed materials to be acceptable.
21. The key attributes and visual setting of both CAs would be unaffected, with their significance preserved both overall and at the local scale. The proposed development would thus preserve the character and appearance of the area, including that of designated heritage assets. In this regard, it would comply with Policies DM1, DM7 and DM22 of the DMP, Policy CS1 of the CS, and Policies D3 and HC1 of the London Plan. Together, these aim for proposals to achieve a high standard of design and layout, respond positively to the local and historic context, secure the preservation of heritage assets and their setting including being sympathetic to their significance and appreciation within their surroundings, and protect trees.
22. The proposal would also comply with the Framework sections 12 and 16 regarding the need to achieve well-designed places and conserve and enhance the historic environment, and the guidance in the Sudbury Hill Management Study (2008) and the Mount Park Management Study (2008). The Council's reason for refusal also included Policy D11 of the London Plan, but this refers to safety and security, and so I do not find it determinative to this appeal.

Benefits

23. The appellant has provided a reasonable identification and explanation of their need for additional and flexible teaching space. This is in order to remain innovative and adaptable, resulting from national trends in teaching methods, an expanding curriculum, group size changes, and as an outcome of the pandemic which includes an element of 'future-proofing'. The Council has not provided any substantive evidence to the contrary to refute these general trends. The proposal is not intended to allow for increased students, and

therefore a breakdown of student numbers or further details of how the current teaching space is not appropriate, are unnecessary.

24. Furthermore, CS Policy CS1 as cited in the reasons for refusal, refers at part (Z) that the development or expansion of social infrastructure will be permitted where it is needed to serve existing or proposed development or required to meet projected future requirements. The appellant also references CS Policy CS3(4), which supports the continued operation of schools and their role as education providers, land and building managers, important economic generators, and providers of community facilities. I find that overall the proposal would provide a significant benefit to local education provision, supported by these policies.
25. As discussed above, green sedum roofs would be required, plus there would be an increased area of soft landscaping and additional planting. With the removal of the existing structures, the boundary perimeter trees would also gain more growth space. These elements together would provide a minor biodiversity benefit.
26. The appellant suggests that the proposal and its off-site construction would be particularly sustainable, with high material efficiency standards, and being demountable, reusable, flexible, and extremely low-carbon. It is also a locally developed product, whereby the College site would be its pioneering use. These are also minor benefits of the scheme overall. As a previously developed site, the proposal would also make effective use of land, as promoted throughout the Framework.

Other Matters

27. The appellant asserts that there are no alternative sites available within the campus grounds for the provision of a similar size of additional teaching space. This is due to existing built form and landform constraints including parking and circulation requirements, as well as areas of protection for areas of nature conservation and Metropolitan Open Land. They also identify that there are no appropriate vacant sites in Harrow for a new campus. The Council has not produced any evidence to the contrary. This is a material consideration in support of the proposal.

Conditions

28. I have not attached a condition to limit the lifespan of the planning permission, as it has already commenced. The statutory condition is attached which specifies the approved plans to provide clarity for the terms of the permission. Subject to slight amendments to reflect paragraph 56 of the Framework and the Planning Practice Guidance, I have imposed the Council's other suggested conditions, except for requiring approval of the external facing materials, as these details have been adequately provided and addressed within the evidence.
29. Notwithstanding the proposed 'minimal ground intervention' style of construction, a Construction Environment Management Plan (CEMP) and an Arboricultural Method Statement including a Tree Protection Plan, are necessary to ensure that retained trees are not adversely affected, and that the site's biodiversity and ecological value is appropriately preserved and maintained.

30. No details of the green sedum roofs have previously been provided, so these are required in the interests of maintaining the character and appearance of the area, to mitigate the impact on outlook, and to increase biodiversity.
31. While the College already has a regularly reviewed fire safety strategy, a Fire Safety Statement is required to ensure that appropriate fire safety measures relating to the new floorspace are achieved and managed satisfactorily.
32. The appellant has identified that no additional lighting will be installed in relation to the proposal, and therefore a condition confirming this is necessary to avoid any illumination of the nearby Site of Importance for Nature Conservation and impacts on the behaviour and activity of nocturnal species.

Planning Balance and Conclusion

33. I have found above that the proposal would cause moderate harm to the living conditions of occupiers of neighbouring properties with relation to outlook. I give this moderate weight. There would be no harm to the character and appearance of the building and the wider area, or any harm to the significance of the CA and locally listed buildings as designated heritage assets. I have also found a significant benefit of the scheme with relation to providing additional and flexible teaching space for the College, alongside other minor benefits.
34. I also take into account as a material consideration that there appear to be no alternative locations for a similar amount of new floorspace within the site.
35. Overall therefore, while there would be some conflict with the development plan and the Framework taken as a whole, I find the material considerations weigh in its favour to the extent to outweigh this conflict and the harm. I therefore allow the appeal.

L Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 20-117-01 Site Location Plan and Existing Site Plan; 20-117-04 Proposed Plan; 20-117-05 Proposed Elevations.
- 2) No ground works relating to the installation of the pre-fabricated teaching rooms and timber linking structure shall commence until a Construction Environment Management Plan (CEMP) shall have been submitted to and approved in writing by the Local Planning Authority, which:
 - a. sets out the methods for ensuring that environmental matters, including but not limited to safeguarding of breeding birds and other important species, will be factored into the site preparation and construction phases; and
 - b. identifies how site workers and their supervisors will ensure compliance with these methods.

All site works will be conducted in accordance with the CEMP provisions, which will remain in effect through to the completion of site works and demobilisation.

- 3) No ground works relating to the installation of the pre-fabricated teaching rooms and timber linking structure shall commence until an Arboricultural Method Statement including a Tree Protection Plan shall have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be carried out as approved for the duration of the construction of the development.
- 4) No ground works relating to the installation of the pre-fabricated teaching rooms and timber linking structure shall commence until details of the green sedum roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to occupation of the development, a Fire Safety Statement shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be operated in accordance with the approved details in perpetuity. The Fire Safety Statement shall include details of:
 - a. suitably positioned unobstructed outside space, for positioning of fire appliances, and for use as an evacuation assembly point;
 - b. appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire, including appropriate fire alarm systems and passive and active fire safety measures;
 - c. construction which minimises the risk of fire spread
 - d. suitable and convenient means of escape, and associated evacuation strategy for all building users;
 - e. a management strategy for evacuation, including details of how often this management strategy is to be reviewed and published; and
 - f. suitable access and equipment for firefighting which is appropriate for the size and use of the development.
- 6) There shall be no external lighting erected as part of the development hereby approved, for the life of the development.

END OF SCHEDULE