



Appeal Decision

Site visit made on 11 July 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2023

Appeal Ref: APP/M5450/W/22/3305756

2 Westmorland Road, Harrow HA1 4PN

- 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 Dhiraj Meghani against the decision of the London Borough of Harrow.
 - The application Ref P/1222/22, dated 28 March 2022, was refused by notice dated 8 June 2022.
 - The development proposed is described as a 'Two Storey Front Extension; Two Storey Side Extension, Single Storey Rear Extension, Creation Of End Of Terrace Dwelling, Separate Amenity Space Bin And Cycle Stores'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development above is taken from the planning application form. Whilst I note the scheme is a revised proposal, I have omitted the reference to the previous application from the description as this is not an act of development. The proposal is described foremost as an extension to the host dwelling, however based on the evidence before me, the application seeks to extend the property to facilitate its subdivision to form 2 separate dwellings. There is no evidence to demonstrate that the extensions would be carried out independently, to provide additional accommodation in connection with the existing property. As such, I have dealt with the appeal on the basis that the proposal is for the construction of a new dwelling.

Main Issues

3. The main issues are (i) whether the proposed development would provide a suitable location for housing, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) and (ii) its effect on the character and appearance of the host dwelling and the area.

Reasons

Suitability of location

4. The appeal site comprises the side garden of 2 Westmorland Road (No 2), a 2 storey semi-detached dwelling with a single storey attached garage to the side. It occupies a prominent corner plot at the junction of Westmorland Road and Pinner Road. The appeal proposal seeks to replace the existing garage with a 2 storey side and single storey rear extension to create a new dwelling.

5. Policy CS1.A of the Harrow Core Strategy adopted 2012 (HCS) sets out that, in accordance with the Council's spatial strategy, the Harrow & Wealdstone Intensification Area, town centres and strategic previously developed sites will be the focus for new development in the Borough. Policy CS1.B of the HCS seeks to resist proposals that would harm the character of suburban areas and garden development and requires all development to respond positively to local context. This is consistent with paragraph 71 of the Framework which indicates that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
6. The Council's Supplementary Planning Document: Garden Land Development adopted 2013 (GLDSPD) clarifies the approach towards the presumption against garden land development in the Borough, the aim of which is to ensure that housing growth is delivered in accordance with the spatial strategy.
7. I note the appellant's contention that the proposal, for an extension to the existing dwelling, would not constitute inappropriate development on garden land, in accordance with the approach set out in the GLDSPD. Nevertheless, for the reasons set out above, I find that the proposal, whilst in the form of an extension to the existing dwelling, would in fact comprise a new dwelling, on land which clearly forms part of the garden to No 2. Furthermore, it would not fall within any of the exceptions set out in the GLDSPD.
8. The appellant has drawn my attention to Policy GG2 of the London Plan 2021 (LonP) and advice in the Framework, including Chapter 11. Whilst they encourage the effective use of land to provide additional homes, they do not appear to me to set out a locational strategy for new development. In that regard, they are not determinative to the appeal having regard to the location of development.
9. Accordingly, given that the appeal site is not within the Intensification Area, a town centre or a strategic previously developed site, and would represent garden land development, the proposal would conflict with the Council's spatial strategy. It would therefore fail to accord with the combined aims of Policies CS1.A and CS1.B of the HCS and the advice in the GLDSPD and would not be in a suitable location for housing.

Character and appearance

10. The appeal site lies in a predominantly residential area which includes matching pairs of semi-detached dwellings of a broadly similar scale and built form. The properties, which are evenly spaced, are set back from the highway, with parking and gardens in the foreground. This regular pattern of development creates a pleasant sense of uniformity. In addition, the existing dwelling at No 2 is set in from the side boundary of the site with a spacious side garden, which gives rise to a sense of openness at the junction.
11. The proposal would replace the existing single storey garage to the side elevation of the property with an addition significantly greater in overall volume and footprint. I appreciate the proposal is designed to resemble a domestic extension and would incorporate a lower ridge height and front elevation set back from that of the existing dwelling, which the appellant suggests would reflect design advice in the Council's Supplementary Planning Document Residential Design Guide adopted December 2010, in some regards. However,

given that the proposal is for a new dwelling, this guidance document would attract limited weight in this case.

12. In detailed design terms, the proposal would reflect the existing dwelling at No 2 having regard to roof form, materials and alignment of windows. Despite this, due to the overall scale, height and width of the proposed built form, in a prominent corner position, it would be a visually dominant and incongruous feature both in relation to the host dwelling and in the street scene. Furthermore, due to the bulk and massing of the proposal it would encroach significantly more than the existing garage into the otherwise open side garden at No 2 and would consequently erode the openness of the corner plot.
13. Moreover, the additional bulk and siting of the proposed dwelling in relation to the existing well-balanced pair of semi-detached dwellings would undermine the regular pattern and layout of the pair and the surrounding development.
14. For the foregoing reasons I conclude that the development would harm the character and appearance of the host dwelling and the area. In that regard it would conflict with Policies D3.D (1) and (11) of the LonP, which require development proposals, among other things, to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness and the existing character of a place.
15. It would also conflict with Policy CS1.B of the HCS, which requires development to respond positively to the local context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness and the collective aims of Policy DM1 part A and B (a), (b) and (c) of the Council's Development Management Plan Local Policies adopted July 2013 in so far as they require development to achieve a high standard of design and layout, having regard to factors including the massing, bulk, scale, height, appearance and context provided by neighbouring buildings and the local character and pattern of development. It would fail to accord with the aims and objectives of the Framework in respect of creating high quality well-designed places.

Other Matters

16. The proposal would offer benefits in terms of housing supply in the Borough, which is a key objective of the Framework, which seeks to significantly boost the supply of housing. However, the benefits associated with a single unit would be limited.
17. My attention is drawn to a number of other examples of planning permissions granted by the Council for single and 2 storey side and rear extensions. However, I have not been provided with full details of these so I cannot be sure of the circumstances of such cases. In any case, I have determined the appeal on its own merits, based on the evidence before me.
18. Moreover, whilst I appreciate the fact that the appeal proposal is a resubmission of a preceding application that was refused by the Council and that the appellant has attempted to overcome the concerns previously raised, I can only assess the current proposal on the basis of the information before me.
19. I note concerns expressed regarding the way in which the Council assessed the application; however, this is not relevant to my consideration of the planning merits of the case.

20. I have had regard to other matters raised by interested parties including parking pressure, noise and disturbance and harm to living conditions of the occupiers of neighbouring properties. However, the Council has not objected to the proposal on these grounds and based on the information before me I have no reason to take a different view.

Conclusion

21. Whilst there would be benefits in terms of the provision of an additional housing unit, this would be limited when weighed in the planning balance given the scale of the proposal for a single unit. Set against this I have found that the proposal would give rise to conflict with the Council's spatial strategy and would harm the character and appearance of the area and, therefore, the proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR