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# Appeal Decision

Site visit made on 11 July 2023

**by K Lancaster BA (hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 August 2023**

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**Appeal Ref: APP/M5450/W/22/3307546**

**66 Yeading Avenue, Rayners Lane, Harrow HA2 9RN**

- 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 S Ali against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/2228/22, dated 10 June 2022, was refused by notice dated 24 August 2022.
  - The development proposed is a new dwelling to the side of an existing house.
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## Decision

1. The appeal is dismissed.

## Main Issues

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

## Reasons

3. The appeal site relates to a semi-detached dwelling, situated on a corner plot, and slightly elevated from the public highway. The property has been previously extended to the side and rear.
4. The proposal would involve the erection of a two-storey side extension and a single storey rear extension to form a new dwelling.

### *Suitable Location for Housing*

5. Policy CS1A of the Harrow Core Strategy 2012 (CS) sets out the growth strategy for the Borough, which seeks to focus development to the Harrow and Wealdstone Intensification Area, town centres and strategic, previously developed sites. The appeal site is not within any of these identified areas. The appeal site forms part of the garden to an existing residential property.
6. Policy CS1B of the CS states that garden development will be resisted, although it does not preclude all development within garden areas. This policy is consistent with the National Planning Policy Framework (the Framework) which sets out in Paragraph 71 that local plans should consider the case for setting out policies which resist inappropriate development of residential gardens.

7. Further guidance in respect of when limited development within garden areas may be acceptable is set out in the Harrow Supplementary Planning Document: Garden Land Development 2013 (GLSPD). In general terms, there is a presumption against the development of garden land, which includes any land within the curtilage of a residential dwelling and would result in the creation of one or more new dwellings. The GLSPD does provide some exceptions which includes, 'gap sites' with a built-up street frontage.
8. In this particular case, the appeal site is located on a corner plot, at the junction of Yeading Avenue and Waverley Road. The existing garage and lean-to extend the property almost all the way to the side boundary. The appeal site is prominently located, and visible from the surrounding area.
9. The proposed extension to the side, would be two-storey and greater than half the width of the existing house. Its front elevation would extend to the side boundary, filling the full width of the site frontage when viewed from Yeading Avenue. The side boundary of this triangular plot extends along the footpath of Waverley Road and encloses the site with a high boundary fence.
10. Whilst the GLSPD acknowledges that it would be perverse not to consider the potential for a property to be extended when considering proposals for new housing on garden land, the GLSPD would only allow for consideration of an enlargement in footprint that is equivalent either to the footprint of any extensions (excluding outbuildings) permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, or the footprint of the extension would be consistent with the guidance contained within Harrow's Residential Design Guide Supplementary Planning Document (RDG). The Council are of the view that the size of extension proposed would not meet the requirements of the RDG. I have not been presented with any evidence that would cause me to reach an alternative conclusion.
11. My attention has been drawn to an appeal decision<sup>1</sup> which considered this assessment in determining whether a proposal for redevelopment of a site with a four-storey building would be appropriate given regard to the increase in footprint. However, I have not been provided with any details of this scheme to enable me to determine whether there are any comparisons to this proposed development. In any case, I have determined the appeal on its own merits.
12. I am aware that a planning permission<sup>2</sup> was granted in 2019 for an attached dwellinghouse and I acknowledge that the Local Plan was in place when this decision was made. However, I have not been provided with any details of this scheme to enable me to draw any comparisons. The Council refers to this approval in their Officer Report and suggest that a change in circumstances by virtue of a recent extension of the existing property, together with some recent appeal decisions<sup>3</sup> supports the Council's assessment that a side garden, in a spacious residential area is not the kind of gap to which the exception found in the GLSPD would apply. Whilst I have limited evidence to support this position, I have not been provided with any substantive evidence to cause me to reach an alternative conclusion.

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<sup>1</sup> Appeal Ref: APP/M5450/W/19/3224655

<sup>2</sup> Planning Application Ref: P/1931/19

<sup>3</sup> Appeal Ref: APP/M5450/W/20/3251749 and APP/M5450/W/18/3196206

13. Consequently, I conclude that the appeal site is not a suitable location for new residential development having regard to the provisions of the development plan. It would not comply with the relevant requirements of Core Strategy Policy CS1.A and CS1.B, the guidance contained within the GLSPD, or the Framework, which seek to resist the development of garden land and direct development to locations identified in the Council's Spatial Strategy.

#### *Character and Appearance*

14. Policy CS1.B states that all development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design. This policy also states that extensions should respect their host building.
15. Policy DM1 of the Development Management Policies Development Plan Document (DMP) states that development proposals must achieve a high standard of design and layout. Proposals which fail to achieve this or are determinantal to the character and appearance will be resisted.
16. The proposed extension would be the same width as the existing property, and therefore by virtue of its scale, would not appear as a subservient addition to the host property. Furthermore, due to the site being prominently located on a corner plot, the extension would fail to achieve an acceptable relationship to the host property and surrounding area, introducing an incongruous built form which does not reflect local character and the general pattern of development found within the area.
17. Consequently, I therefore conclude that the proposed development would cause an unacceptable level of harm to the character and appearance of the area. This would be contrary to Policy D3 of the London Plan, Policy CS1.B of the CS, Policy DM1 of the DMP and the guidance contained within the RDG. These policies, amongst other things, seek to ensure development is of a high standard design and layout, having particular regard to local character and pattern of development. These policies also require development to respect the host building, having regard to the massing, bulk, scale, and height of the development in relation to its location and surroundings.

#### **Other Matters**

18. Whilst there appears to be no dispute as to whether the Council is meeting its housing targets, it is acknowledged that the proposed development would deliver some 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.
19. The Council has confirmed that the proposed development would not result in harm to the living conditions of neighbouring properties No.66 and No.64 Yeading Avenue. They have also indicated that the proposed development would provide adequate accommodation provision for future occupiers, exceeding the minimum standards for housing which are set out in the Local Plan. However, the absence of harm is a neutral factor which neither weighs for nor against the development.

20. The Council confirmed that if they had been minded to recommend the application for approval would have sought to attach and appropriately worded planning condition relating to the provision of refuse and recycling storage and two cycle parking spaces. A further condition requiring submission of a Fire Statement to be submitted was also recommended by the Council. In the event that I was minded to allow the appeal, I would have given further consideration to the imposition of suitably worded planning conditions to address these matters.

### **Conclusion**

21. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight to indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

*K Lancaster*

INSPECTOR