



Appeal Decision

Site visit made on 8 August 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/M5450/D/22/3313159

Weald Cottage, Clamp Hill, Harrow, Stanmore HA7 3JL

- 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 Harshil Shah against the decision of London Borough of Harrow.
 - The application Ref P/1604/22, dated 19 April 2022, was refused by notice dated 7 October 2022.
 - The development proposed is "Demolition of garage and porch. Ground floor rear and side extension and relocated entrance. First floor side and rear extension. New roof with accommodation."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues in the appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect of the proposed development upon the character and appearance of the host dwelling and locality; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

4. The appeal site is located within the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping

land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception being the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5. The Framework does not provide a definition of disproportionate additions. Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
6. Policies G2 of The London Plan 2021 (the LP), CS1 (F) of Harrow Core Strategy 2012 (the CS) and DM16 of the Harrow Development Management Policies Local Plan 2013 (the DM) are broadly consistent with the Framework. This is insofar as they seek to protect the Green Belt from inappropriate development, which is harmful, unless very special circumstances exist.
7. The appeal proposal would see the modest two storey property extended above the existing garage, to the rear at single storey and accommodation provided within the roof. This would include completely reordering and extending the existing roof in its entirety across the new addition to the side and above the existing flat roof extension. It would also include the formation of dormer and bay windows. The existing floor area and volume calculations of 160m² and 489.4m³, which includes a previous extension, would increase to provide a floor area of 232m² and a volume of 682m³. Taken together, these increases would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building.
8. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. There would be conflict with Policies G2 of the LP, CS1 of the CS and DM16 of the DMP. Insofar as they are relevant to this appeal these seek to resist inappropriate development. For the same reasons, the development is also contrary to the Framework.

Openness

9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal property is very clearly visible from the adjacent highway. The openness of the Green Belt is clearly evident around the property and the wider area, afforded by the spaces between the dwellings, and the scale of development in the immediate locality, and open land opposite.
10. The appeal site comprises a two-storey hipped roof detached dwelling set within an extensive rear garden. Land levels rise and the space between dwellings allow views towards wooded areas to the rear of the site. Situated in a row of residential dwellings in a slightly elevated position facing the road (Clamp Hill) the existing dwelling is set back behind a generous front garden/parking area. Although well screened from distance views, adjacent built development and frontage vegetation do not impinge on the space to the front and side of the existing dwelling. This space contributes to the openness of the site and the Green Belt in this location.

11. The proposals would provide first floor accommodation infilling space above the existing single storey garage to the side of the dwelling. In combination with this, the overall width of the roof parallel to the road would continue over the first floor creating a wider building. The introduction of frontage gables would also occupy slightly more space to the front of the site. Their effect would be exacerbated by the appeal dwelling being in an elevated position above the road and situated between two lower dwellings. The additional bulk from these would thereby erode the openness of the site and its contribution to that of the wider Green Belt.
12. The ground floor extensions, and alterations to the rear of the roof would be less visible, although visible from neighbouring gardens. The effect on openness from these are not as significant. However, this does not mitigate the above, and that the appeal proposal would nevertheless substantially increase the size of the existing building and in doing so would harm the openness of the Green Belt in both visual and spatial terms. The Framework is clear that substantial weight should be given to any harm to the Green Belt. The harm identified above therefore weighs heavily against the proposal.

Character and appearance

13. The dwellings on this part of Clamp Hill have a linear arrangement facing the road. Although I note dormer windows and a mono-pitch roof on other dwellings in the area, the overall simple forms, with predominantly simple front roof planes, and space to the sides results in a harmonious and pleasant appearance. As such the existing two-storey host dwelling in its current form sits comfortably within its plot, adjacent to lower dwellings and contributes positively to the streetscene.
14. The overall increased width of the dwelling at first floor together with the alterations to the front of the roof would increase the bulk of the host building and bring the development closer to the adjacent property. This would result in a loss of space, which also affords views to the rear of the site. Despite rising land, wooded areas to the rear, vegetation to the front of the site and the presence of adjacent dwellings, the resultant development would be highly visible and prominent. The gentle rhythm, character and spaciousness of the streetscene would be harmed.
15. The alterations would not be subservient additions, as they would completely reorder the dwelling. Although front gables and other incorporated feature may be located on Arts and Crafts properties in the locality, their presence, and size in conjunction with the two first storey projecting bays would incongruously dominate the first floor and subsume the original dwelling. The more detailed external appearance would also be in stark contrast to the minimal features and simple roof plane of the adjacent dwellings.
16. Measures such as a hipped roof, setbacks, and set down gables have been incorporated. Quality materials have also been proposed and I appreciate that the proposed development would replace poor extensions, incorporate living accommodation in the existing garage space and address the public realm. However, these aspects do not outweigh the harm identified above.
17. The proposal would harm the character and appearance of the host dwelling and the area. Consequently, it would be contrary to Policies D3 of the LP, Policy CS1 of the CS and Policy DM1 of the DMP. Together these seek a high standard

of design including that new development should respond positively to the local context, character and distinctiveness and that extensions should respect the host building. For similar reasons, the proposal would not accord with the aims of the Council's Supplementary Planning Document: Residential Design Guide (2010).

Other considerations

18. I have been presented with a 'fallback' position which indicates what would be built if the appeal proposal does not go ahead. This has been used to justify the proposal. The appellant contends that the fallback would have worse effects than the appeal proposal, and therefore amounts to very special circumstances. The fallback relates to a consented scheme which includes a single storey rear extension, alterations to form gables, rear dormer windows and a detached outbuilding.
19. Based on purely statistical measurements the consented scheme would have a greater size than the proposed development. I acknowledge that it also included aspects such as the formation of gable ends, larger second floor area and large rear dormer windows. This is evident from the visuals, massing studies and floor area grid diagrams. I am not persuaded that the appearance and effect on openness would be better if I were to allow the appeal scheme. I acknowledge that the consented single storey extension would project further than the adjacent property building line and along a greater length of the boundary with neighbours. There would also be additional development in the garden from the outbuilding. However, these occupy parts of the site which are better screened than the more public side extension and alteration to the front of the roof with the appeal scheme.
20. Furthermore, the appellant contends the outbuilding would be omitted; nevertheless, the certificate of lawfulness would afford the appellant the opportunity to construct this simultaneously with the appeal proposal if allowed. A condition to remove permitted development rights could be imposed. This would only come into effect once planning permission is implemented. There is no planning obligation to the effect that the appellant would forego permitted development rights at the appeal property. The certificate of lawfulness provides an additional option to enlarge the house rather than an alternative to the appeal scheme.
21. The appellant considers that the design of the development, being of lesser size is more acceptable than previous permissions. However, my above conclusions find harm to the Green Belt and to the character and appearance of the host dwelling and locality. Accordingly, I can attribute little weight to previous and fallback schemes.
22. I note the intentions of the appellant in relation to enhanced landscape proposals. These are indicative, and there is no evidence to explain the extent of any enhancements. Although a suitably worded planning condition could be imposed this would not overcome the potential for implementation of the outbuilding. I therefore attach limited weight to this.
23. It is understood other properties may have been granted permission for extensive remodelling, extensions, large outbuildings and housing. I have very little details pertaining to any other examples and therefore it is not clear if they are comparable. The Julius Caesar Way appeal decision also suggests the

proposal did not amount to inappropriate development. I also found harm to the openness and character and appearance of the area, whereas the other Inspector in that appeal did not. I therefore give little weight to these.

24. I note the appellant seeks the additional accommodation as they have a multi-generational family. I have very limited evidence or information regarding the personal needs, as such the personal circumstances carry little weight.
25. I also note the absence of objections, absence of harm to the occupiers of neighbouring dwellings, and acceptability in terms of flood risk. As such whilst the proposal may comply with other parts of the development plan or national policy, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.
26. I have taken into account all of the other matters raised by the appellant. These include the comprehensive statements, area and volume analysis, planning history, pre-application and discussion between the Council and the appellant. Collectively these and no other factor are of such significance to outweigh the harm.

Other Matters

27. The appellant has highlighted issues concerning the handling of the planning application by the Council. These are not matters within my jurisdiction, which is limited to the merits of the appeal proposal, and there is no costs application before me.

Conclusion

28. The appeal proposal comprises inappropriate development that is harmful to the Green Belt. Overall, I give this harm substantial weight as required by the Framework. Furthermore, the harm to the character and appearance of the host dwelling and the area would also attract substantial weight. I have considered the matters put before me in favour of the scheme. However, there are no other considerations that clearly outweigh the substantial weight I have afforded to the Green Belt harm and other harm arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
29. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

K Williams

INSPECTOR