
Appeal Decision

Site visit made on 13 October 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 November 2023.

Appeal Ref: APP/M5450/W/23/3316489

12 Savernake Court, Wolverton Road, Stanmore HA7 2RA

- 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 M Ladva against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2937/22, dated 10 August 2022, was refused by notice dated 5 October 2022.
 - The development proposed is the erection of a new detached dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are: (a) having regard to local and national policy and guidance, whether the principle of developing the land is acceptable; (b) the effect of the development on the character and appearance of its surroundings, and (c) the effect of the development on the living conditions of the residents of 12 Savernake Court with reference to light, outlook and visual impact.

Reasons

Garden land – the principle of development

3. The principal parties agree that the site comprises garden land, being part of the curtilage of 12 Savernake Court. The front part of the site is open, but I suspect that was not always the case. Judging from the sizes of the tree stumps seen, I suspect that several mature trees were felled fairly recently. This is confirmed in the submitted archaeological report. Trees remain in evidence towards the rear of the site.
4. Both parties rehearse what I regard as the most relevant policies. In this regard Policy CS1(A) of the Harrow Core Strategy (HCS), 2012 directs new development to town centres and strategic previously developed sites. Policy CS1(B) of the HCS resists development that would harm the character of suburban areas and development within garden sites.
5. The appellant acknowledges the thrust of policy CS1(B) but draws my attention to some of the provisions of the London Plan (2021) (LP). In particular, the LP no longer contains the presumption against the development of garden land found in its predecessor; moreover, the LP sets new housing targets for the Borough. The appellant suggests that these targets could not be achieved by a

reliance on existing HCS policies, which the appellant maintains are inconsistent with the LP. The appellant considers the proposal to be in accord with those provisions of the LP, particularly those aspect seeking to intensify or make best use of land to promote higher densities and optimise site capacities.

6. The appellant also considers the Council's restrictive policy in respect of the development of garden land to be inconsistent with the provisions of the Framework. However, the Framework's latest iteration¹ is itself consistent with previous editions in this regard and allows planning authorities to consider the need for the adoption of policies designed to prevent the inappropriate development of garden land. In the light of this guidance, I do not consider the Council's policy CS1(B) to be at odds with the provisions of the Framework. That the LP does not contain such a restrictive policy doesn't render policy CS1(B) ineffective for my purposes.
7. That being said, the Council's SPD² allows for exceptions to be made to policy CS1(B) in limited circumstances involving what are described as 'gap' sites within a built-up street frontage. Wolverton Road, from its junction with Old Church Lane, is a cul-de-sac which divides into two arms just outside the appeal property. I consider that section of northern road frontage leading to the site as being built up. Savernake Court, which occupies the frontage to the east of the appeal site is comprised of a row of two storey link properties. The appeal site fronts a shallow bend in the road between the last of the link properties and a semi-detached property known as Omega Cottage. Beyond Omega's Cottage's attached partner is a relatively modern set of semi-detached houses, and beyond those, tucked away at the end of the cul-de-sac, is a block of flats.
8. To my mind, the space in this frontage between 12 Savernake Court and Omega Cottage represents a clear gap both visually and physically. I therefore conclude that whilst the proposal conflicts with the provisions of HCS policy CS1(B) directed to the development of garden land, this is a case where I am persuaded that an exception is justified having regard to the content of the Council's SPD on gap sites, which I regard as a weighty material consideration.

Character and appearance

9. The dwelling proposed would be two storey with accommodation provided in the roof, lit by a rear dormer. Single storey protrusions are also proposed to the side and rear.
10. I saw a variety of house types in the street, on the main entry and on both arms of the cul-de-sac. Having regard to the appearance of the adjacent semi-detached properties, which display dormer windows, I do not share the Council's view that the design of the dwelling would prove harmful.
11. However, the dwelling would be sited so that it extended virtually to both side boundaries, and it would protrude forward of Omega Cottage's front elevation, to a point close to the highway fronting the site. I consider that the resultant

¹ Paragraph 71 National Planning Policy Framework (2023)

² Paragraphs 3.10 -3.12 *Supplementary Planning Document: Garden Land Development (2013)*

dwelling would be perceived as having been squeezed onto the site, and the site would thus take on a cramped and overdeveloped appearance.

12. I therefore conclude that the proposal would harm the character and appearance of its surroundings. Accordingly, a clear conflict arises with those provisions of policies CS1 B of the Harrow Core Strategy and policy DM1 of the Harrow Development Management Local Plan Policies (LPP), which, in combination, require new development to be respectful of local character.

Living conditions

13. I entered 12 Savernake Court during my visit and saw that the ground floor at the rear was designed in open plan form being served by two large windows in the rear elevation. These windows looked out over a patio towards the garden. Oblique views were available into the side garden. If the proposal proceeded, No 12's garden would be much reduced in area, and a 2m fence would run along the boundary with its new neighbour.
14. The outcome of the daylight and sunlight reports have been noted, and I have no reason to disagree with their conclusions. I also note the 45° exercise carried out. However, one symptom of the overdevelopment found in dealing with the second main issue is that development would be brought close to No 12's boundary at. The proposed side protrusion would be clearly visible at close quarters above the proposed fence from No 12, from its patio in particular and from one of the above-mentioned windows. To my mind, No 12's residents, taking account of the loss of openness now experienced at the rear, would feel oppressed and hemmed-in by this development were it built. I conclude that its visual impact upon them would prove harmful.
15. Accordingly, a conflict arises with those provisions of LPP policy DM1 designed to protect residential amenity.

Other matters

16. The Council has not commented on the appellant's Archaeological Assessment produced for the appeal. In the absence of any firm evidence to the contrary, have no reason to dispute its' conclusions.
17. I have taken into account the parties' references to other decisions, including some taken at appeal, but these attract little weight since I am not aware of all the circumstances surrounding them. I have therefore determined this appeal on its merits.
18. Reference has been made by the principal parties to other development plan policies and local guidance, but those to which I have referred are considered the most relevant in the context of this appeal.
19. The views of local residents have also been taken into account and I have already dealt with some of the planning points raised. I note the views expressed on access, parking and congestion, but I have no empirical evidence before me on this issue, and I note that the Council did not object for this reason. Although visiting during the day, I had no difficulty parking in the street and saw little or no evidence of congestion.

Overall Conclusions

20. I find for the appellant on the first issue identified at the outset in that the principle of development on the site is considered acceptable. However, for the reasons set out I find against the appellant on the other two issues. In effect, whilst the site, in my view, could accommodate a dwelling in principle, the proposed shape, size and siting of that proposed would lead to adverse and harmful consequences. These are sufficient reason to dismiss the appeal.
21. I have taken account of all other matters raised in the representations, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR