



Appeal Decision

Site visit made on 23 October 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/M5450/D/23/3322738

2 Roxborough Park, Harrow HA1 3BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Hash Shah against the decision of London Borough of Harrow.
 - The application Ref P/3560/22, dated 11 October 2022, was refused by notice dated 1 March 2023.
 - The development proposed is described as, *'landscape works including amphitheatre feature and shed on raised base'*.
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Decision

1. The appeal is allowed and planning permission is granted for development described as, *'landscape works including amphitheatre feature and shed on raised base'* at 2 Roxborough Park, Harrow HA1 3BE in accordance with the terms of the application, Ref P/3560/22, dated 11 October 2022, and the Location Plan Drawing No. 100; Master Plan Drawing No. 146-106 Revision F; West Elevation Drawing No. 114 Revision C; As Built Garden Shed Drawing No. 131 Revision A; As Built Landscape Sections AA & BB Drawing No. 130 Revision A; Below Ground Drainage Ground Floor Level Drawing No MBP/7450/501 Revision C8.

Procedural Matter

2. The proposed development has been complete. The appeal before me has therefore been assessed on a retrospective basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the locally listed host property and surrounding area, including whether it would preserve or enhance the character or appearance of the Roxborough Park and the Grove Conservation Area (CA).

Reasons

4. The appeal property is a large, detached dwelling located at the far end of Roxborough Park on a steep slope. The property is set within a generous plot occupying a relatively secluded position within a residential area where properties vary in size, style, and design. A number of trees and dense vegetation surround the site which form the boundary treatment along with a mixture of fencing. A number of trees on site are subject to a Tree Preservation Order (TPO) and the trees to the rear of the plot are subject to a TPO group which covers all trees at the south-western and western boundary.

5. The site lies in the CA I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, the host property is designated as a locally listed building. I have had regard to paragraph 199 of the National Planning Policy Framework (the Framework) which explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 203 of the Framework also explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
6. The CA is noted for its attractive combination of high-quality historic architecture and important public green open spaces, including the Grove Open Space and Church Fields. The area's undulating topography and unusually permeable pedestrian network complement and enhance the area's visual quality, creating attractive views within, into and out of the CA.
7. The site's significance is derived from its historic and aesthetic merits designed in the Arts and Crafts style and includes some typical features and fine detailing of the period, with brick, tiles, and painted timberwork. The property as set out above, is designated as a locally listed building within the Roxborough Park and the Grove Conservation Area Study (CAS). The CAS specifically refers to Number 2 Roxborough Park explaining that it has an interesting roof arrangement over the main entrance which protrudes into the mansard roof and a tall window extending from ground floor to first floor. It goes on to explain that its garden elevation is particularly reminiscent of the Mitchell designs although there is no record of the architect for this property.
8. Planning permission was granted under reference P/5510/16 for single storey front extension; single storey extensions to both sides; single and two storey rear extension; enlargement of first floor rear dormer; formation of basement; raised patio to side and rear; external alterations. A number of subsequent applications were then made and granted under references P/3837/17 and P/4537/18 relating to variation of condition 2 (approved plans) which made a number of changes to the original scheme as approved.
9. The development constructed on site amongst other works has excavated a large amount of ground to form an oval lawn and the introduction of retaining walls with stone cladding. Whilst the basement as built is more exposed and thus visible than the previous scheme, it remains single storey of a reasonably low height using materials such as red brick which is reflective of those found within the main property. This, together with the relatively limited depth and width remains reasonably subordinate to the main property. It therefore does not appear overly dominant in this context and is surrounded by soft landscaping including the addition of trees, low-level shrubbery, and grassed areas, all of which will mature and soften the appearance of the ground works and basement extension. Although the materials used such as red brick reflects the main property which is complimentary, the overall appearance of the basement has not sought to copy or imitate the style of the original house and

appears more contemporary which indeed adds a level of visual interest to the property.

10. I note concerns regarding the stone clad retaining walls and iron railings. Whilst the materials are a contrast to the brick-built form of the host property, such materials and use of railings are not uncommon for boundary treatments within such a residential setting, and they are not of a size or scale to cause harm to the overall character and appearance of the host property and surrounding area. I also acknowledge the appellants' claims that planting has been trained up these walls which will mature and spread, and the stonework will naturally weather, further softening the appearance of these walls over time.
11. Given the nature of the development and its location to the west at basement level, the main property continues to be the most visible element from public vantage points and is of a larger scale and mass in comparison to the basement level. The development has not resulted in the loss of the dwellings architectural and historic merits nor diminished the interest of the locally listed building or the CA. Consequently, I do not find that the development results in harm to its overall significance which can still be fully appreciated.
12. Additionally, the works subject to this appeal are well shielded from views being located away from the main road and main frontage of the property, in a relatively secluded position with a vast number of trees and vegetation surrounding the site. Only glimpsed views of the western elevation are likely to be apparent from the neighbouring garden area serving No 4 Roxborough Park. As such, any visual impact arising from the proposed development would be limited. In any event, the works would not appear discordant given the undulating topography of the area and diverse range of properties nearby which vary in size, style, and design.
13. For the above reasons, I conclude that the development does not unacceptably harm the character and appearance of the locally listed host property and surrounding area and preserves the character and appearance of the CA. Accordingly, I find the proposed development to accord with Policies D3 (D(1) and (11)) and HC1 of The London Plan (2021), Policies CS1.B of the Harrow Council Core Strategy (2012), Policies DM1 A, DM1 B (a), (b) and (c) and DM7 of the Harrow Council Development Management Policies (2013) which together, amongst other matters, explains that development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character. It also accords with the guidance contained within the Harrow Council Supplementary Planning Document - Residential Design Guide (2010).
14. For the same reasons, the development also accords with chapter 12 of the Framework relating to achieving well-designed places as well as chapter 16 which relates to conserving and enhancing the historic environment.

Other Matters

15. I am aware of concerns regarding outlook and privacy matters of the shed which has been erected at the rear of the garden. However, even taking into account the base, the shed is modest in size and scale using appropriate

materials comprising timber which is reflective of such outbuildings that are commonly found in such residential settings. There is also a good separation distance that exists between the neighbouring property and the shed, and it is largely concealed by mature trees and vegetation. Consequently, outlook onto the shed would not be visually oppressive or severely restricted from the neighbouring property. Given the overall use of the shed, its separation distance from the neighbouring property and presence of landscaping, I am content that it would not result in any undue loss of privacy for existing neighbouring occupiers.

16. Comments have been made regarding the front driveway and parking provision. However, this did not form part of the Council's reasoning for refusal which my main issue has been articulated around. Such matters would not therefore affect my findings in relation to the main issue having regard to the description of development. Notwithstanding, the appellant explains that the driveway amongst other works has been constructed in line with previously approved plans and I have no substantive evidence to the contrary. Comments have also been made regarding the trees on site and damage. However, this would also not affect my findings on the main issue.

Conditions

17. I have considered the conditions suggested by the Council taking into account the retrospective nature of the appeal. I have included the approved drawings, which detail the finishing materials, in the terms of my decision in the interests of certainty.
18. The officers' report explains that had the application otherwise been acceptable further details of as built boundary treatment, walls and hard surfacing treatment would have been sought although no formal condition has been suggested in respect of this. Given the retrospective nature of the appeal and the information contained within the submitted plans which I have conditioned in the terms of my decision, I do not find it necessary to attach a condition regarding boundary treatments.
19. The officer's report also refers to compensation replacement tree planting although no formal condition has been suggested in relation to this. Notwithstanding, I observed that the site continues to be surrounded by a number of trees and dense vegetation and thus I do not find it necessary to attach a condition relating to replacement tree planting.
20. Reference has also been made regarding drainage details although again no formal condition has been suggested. Given the retrospective nature of the appeal and the information contained within the submitted plans which I have conditioned in the terms of my decision, I do not find it necessary to attach a condition regarding further drainage details. I also have no compelling evidence to suggest that works would lead to flooding or water logging of the neighbouring property.
21. In terms of fire safety, such details would be required as part of building regulations and thus I do not find it necessary to attach a condition in this regard.

Conclusion

22. For the reasons given above and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

INSPECTOR