



Appeal Decision

Site visit made on 26 September 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2023

Appeal Ref: APP/M5450/W/23/3314704

1 Ash Hill Drive, Pinner, Harrow HA5 2AG

- 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 Gada Property Investments Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0719/22, dated 25 February 2022, was refused by notice dated 14 December 2022.
 - The development proposed is 3 storey new build residential development comprising 1x1 bed apartments & 7x2 bed apartments with associated car parking and secure cycle storage, ancillary and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for 3 storey new build residential development comprising 8x2 bed apartments with associated car parking and secure cycle storage, ancillary and amenity space at 1 Ash Hill Drive, Pinner, Harrow HA5 2AG in accordance with the terms of the application, Ref P/0719/22, dated 25 February 2022, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Gada Property Investments Limited against the Council of the London Borough of Harrow. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development set out in the heading above is taken from the application form. However, it is clear from the plans and accompanying details that the development proposed comprises 8x2 bed apartments rather than 7x2 bed and 1x1 bed apartments. The Council dealt with the proposal on this basis and so shall I. Accordingly, I have amended the description in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including the setting of the locally listed cottages at Nos 1-20 Camden Road, Cuckoo Hill.

Reasons

5. The appeal site comprises part of a Tesco supermarket car park, with several mature trees along its boundary with Cuckoo Hill. A pedestrian access route from Cuckoo Hill to the supermarket runs adjacent to the site. The surrounding area is suburban and residential with a mix of mainly two-storey houses of

varied styles and sizes. Next to the site are Nos 1-20 Camden Row, a group of locally listed Victorian cottages. Their significance as non-designated heritage assets derives from their traditional materials and design, including red brick banding and clay tile or slate roofs, and from their small-scale village character. Their setting is open with a clear view above to sky, and this also contributes to the significance of the non-designated heritage assets.

6. The proposal would introduce a three-storey block of flats next to and opposite predominantly two-storey houses. The block's mass would rise gently to follow the natural gradient up Cuckoo Hill towards the railway bridge. The houses opposite have a deep and splayed set-back from Cuckoo Hill as it turns this corner. Together, these factors would contribute to a balanced relationship between the proposed development and the smaller-scale dwellings near to it. The difference in height between the new and existing buildings would anyway be modest, so it would not seem prominent in the street scene.
7. The proposed parking area would provide clear separation between the new building and the locally listed cottages. The block's mass would be lower at this end, and the existing pedestrian access route would remain. A landscaped strip would separate the flats from the footway on Cuckoo Hill, broadly aligned with the building line of Camden Row before it turns the corner, with trees helping to soften the new block's appearance. Little of the development would be visible when viewed from in front of the locally listed cottages and there would be no change to the view of sky behind them. Therefore, the development would not be overbearing in relation to the cottages, nor cause any harm to their setting.
8. The new building's rectilinear design would contrast with the more traditional style of the existing houses along both sides of Cuckoo Hill. Nevertheless, its external materials and design details would add visual interest and reinforce the rhythm of its fenestration. They would also reference details on the cottages, such as the brickwork bands and stone cills, helping to integrate the appearance of the old and new dwellings. Consequently, the new building would complement its surrounding context rather than appearing incongruous. Final agreement of external materials and design details could be secured by condition.
9. Paragraph 203 of the National Planning Policy Framework (the Framework) states that, 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 and the significance of the heritage asset. For the above reasons, I find no harm from the proposal to the setting of Nos 1-20 Camden Row and no harm to their significance as non-designated heritage assets.
10. Taking all this together, I conclude the proposed development would not have a harmful effect on the character and appearance of the surrounding area, including the setting of the locally listed cottages at Nos 1-20 Camden Row, Cuckoo Hill. Accordingly, I find no conflict with Policy D3 of the London Plan 2021 (LP), Policy CS1 of the Harrow Core Strategy 2012 (HCS) or Policies DM1 and DM7 of the Harrow Council Development Management Policies 2013 (HDMP). Together, these policies seek high quality design that protects local character and appearance and conserves heritage assets and their setting, including non-designated heritage assets. I also find no conflict arising from

paragraph 203 the Framework, or where it seeks development that is sympathetic to local character and history.

Other Matters

11. I am satisfied on the evidence before me that the reduction in parking spaces for the supermarket would not have a detrimental effect on that or other local businesses, and that there would be sufficient parking dedicated for the occupants of the new development itself. The Council has raised no concern with loss of parking for existing residents and, on the evidence before me, I see no reason to disagree.
12. Construction would cause some disruption, but this would be temporary and would be mitigated by a Construction Logistics Plan, which could be the subject of a condition. The Council is satisfied with proposed arrangements for waste collection, wheelchair and accessible design, crime risk mitigation through design, the effect of the proposal on the living conditions of neighbouring occupiers, and the effect on biodiversity and trees. It has also raised no concern in relation to energy efficiency. I see no reason to disagree with these conclusions, subject to the conditions set out below.

Planning obligations

13. The appellant has submitted an executed Unilateral Undertaking (UU).
14. The UU includes a planning obligation to secure a financial contribution towards replacement tree planting, calculated as the cost of providing 8 trees. The appeal site is too small to accommodate replacement trees, so off-site replacement planting is necessary to mitigate the loss of existing trees. Given this would take place off-site, the contribution cannot be secured by condition.
15. Part of the appeal site fronting Cuckoo Hill is adopted public highway, so falls to be maintained by the Council. A planning obligation is therefore necessary to secure a financial contribution towards the Council's costs for maintaining this strip of land. This obligation is included in the UU, for a contribution reasonably related in scale and kind to the development.
16. Access to the development would be from Ash Hill Drive through the supermarket car park, rather than via Cuckoo Hill. For future users of the development to retain this right of access through the Tesco car park in perpetuity, a Deed of Easement is necessary to provide certainty for all parties about what is being agreed. Given a planning obligation to secure this prior to commencement of development is included in the UU, a condition in this regard is not necessary.
17. The UU also includes provision for payment to the Council of a monitoring fee and legal costs for input to the document's preparation. On the evidence before me, I consider the obligations in the UU are necessary, directly related to the development and fairly related to it in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations in paragraph 57 of the Framework. I have given significant weight to the UU in my decision.

Conditions

18. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. I sought the views of the parties on the conditions, including in relation to the list of drawings to be approved. The conditions set out in this decision are broadly as agreed by the parties, but with some slight changes to wording. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans as agreed by the parties. This is in the interest of certainty.
19. A condition is necessary to ensure the development is carried out at appropriate and clearly defined levels, relative to the highway and adjoining premises. This is a pre-commencement condition because the levels affect every aspect of the development, so they need to be agreed before work starts on site.
20. A condition in relation to trees is necessary because existing trees may require protection during construction. It is a pre-commencement condition because the Arboricultural Impact Assessment and Method Statement dated February 2022 does not appear to be consistent with the plans before me. Therefore, this report needs to be updated and agreed, and any recommendations implemented, before work on site can take place.
21. The condition requiring a Detailed Construction Logistics Plan (DCLP) is necessary to mitigate risks to highway safety and impacts on neighbouring occupiers during construction. It is a pre-commencement condition because mitigation needs to be agreed before any works on site take place.
22. Conditions are necessary to ensure on-site car parking provision accords with the requirements of Policy DM42 of the HDMP and Policy T6 of the LP; and to promote cycling in accordance with Policy DM42 of the HDMP and Policy T5 of the LP.
23. The condition to secure adequate surface water drainage separate from foul water drainage is necessary to accord with Policy DM10 of the HDMP. The condition to require the agreement and implementation of a Fire Safety Strategy is necessary to accord with Policy D12A of the LP.
24. Conditions in relation to materials and communal facilities for television reception are necessary to secure the satisfactory external appearance of the new building. Given the location of the development within the setting of locally listed buildings, it is necessary to withdraw future permitted development rights for the installation of further microwave antenna.
25. The condition on external lighting is necessary to safeguard the living conditions of neighbouring occupiers and for public safety. Along with the condition on biodiversity enhancement, the lighting condition is also necessary to accord with Policy DM20 of the HDMP.
26. The conditions on landscaping are necessary to secure and maintain an accessible, safe and high-quality public realm around the new building. A condition is also necessary to ensure the development includes appropriate measures to design out crime in accordance with Policy D11 of the LP.

27. A condition is necessary to secure accessible and adaptable dwellings in accordance with Policy D7 of the LP and Policy CS1 of the HCS. The condition regarding bin storage is necessary to ensure effective management of refuse and recycling. The conditions in relation to obscure screens and glazing are necessary to safeguard the privacy of neighbouring occupiers.

Conclusion

28. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR

Schedule of conditions

Time limits and drawings

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; IN12707 DR 001 Topographical Survey; 1030-001P Rev 03 Proposed Site Plan; 1030-100P Rev 03 Proposed Ground Floor Plan; 1030-101P Proposed 1st Floor Plan Rev 01; 1031-102P Proposed 2nd Floor Plan Rev 01; 1030-103P Proposed Roof Plan; 1030-200P Rev 03 Proposed Elevations; 1030-201P Rev 03 Proposed Streetscape Elevation.

Pre-commencement

- 3) No site works or development shall take place until details of the levels of the building, road and footpaths in relation to the adjoining land and highway and any other changes proposed in the levels of the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved levels.
- 4) No site works or development shall take place until an updated tree protection plan and method statement have been submitted to and approved in writing by the local planning authority. The agreed tree protection measures shall be installed prior to works commencing on site, including site preparation works. Once the agreed tree protection measures have been installed, they shall be kept in place for the duration of the construction of the development. No materials or waste shall be stored within protected areas.
- 5) No site works or development shall take place until a Detailed Construction Logistics Plan (DCLP) has been submitted to and approved in writing by the local planning authority. The DCLP shall be prepared in accordance with Transport for London's Construction Logistics Planning Guidance. The DCLP shall include, amongst other things:

parking of vehicles of site operatives/visitors;
HGV access to site and provision for loading and unloading of plant and materials;
number of HGVs anticipated;
programme of work and phasing;
site layout plan;
highway condition before, during and after construction;
measures to control dust and dirt during construction;
a scheme for recycling/disposing of waste resulting from demolition and construction works; and
details showing where and how the site will be enclosed by hoarding to a minimum height of 2 metres.
Construction shall be carried out in accordance with the approved DCLP.

Before work above ground level commences

- 6) Notwithstanding condition 2, no work above ground level shall take place until design details and samples of the materials to be used in the external surfaces of the building have been provided to and agreed in writing by the local planning authority. These details and samples shall include:

facing materials for the building including brickwork, cladding, spandrel detail, windows and doors;

window thresholds including deep reveals and setbacks;

balustrades; and

balcony decks including underneath finish.

Development shall be carried out in accordance with the approved details/samples.
- 7) Notwithstanding condition 2, no work above ground level shall take place until a revised car parking plan is submitted to and approved in writing by the local planning authority. The car parking plan shall demonstrate sufficient space for cars parked in the disabled parking bay to fully open their doors. The approved car parking plan shall be implemented prior to first occupation of the development and the parking spaces shall thereafter be kept available at all times for the parking of vehicles and for no other purposes.
- 8) No work above ground level shall take place until details of measures for the separate disposal of surface water and foul water have been submitted to and approved in writing by the local planning authority. The measures for surface water disposal shall include permeable surfaces and surface water attenuation and storage. The surface water and foul water disposal measures shall be implemented in accordance with the approved details prior to first occupation of the development and shall be retained thereafter.

- 9) No work above ground level shall take place until a Fire Safety Statement has been submitted to and approved in writing by the local planning authority. The Fire Safety Statement shall:

identify suitably positioned unobstructed outside space for fire appliances and for use as an evacuation assembly point;

provide details of fire alarm systems and active fire safety measures;

describe how the building will be constructed to minimise the risk of fire;

identify means of escape;

provide details of an evacuation strategy for all building users, to be published and updated periodically;

provide details of access and equipment for firefighting;

include an implementation programme.

Development shall be carried out in accordance with the approved details and implementation programme. The fire safety measures shall be retained thereafter.

- 10) Notwithstanding condition 2, the development hereby permitted shall not progress above ground level until details of all external lighting to be provided within the site have been submitted to and approved in writing by the local planning authority. The details shall include lighting specifications, manufacturer information, elevations, light spillage and lighting levels. The external lighting shall be implemented in accordance with the approved details prior to first occupation of the development and shall be retained thereafter.

- 11) Notwithstanding condition 2, the development hereby permitted shall not progress above ground level until full details of biodiversity enhancements for the site have been submitted to and approved in writing by the local planning authority. The details shall include:

the type and location of bat and bird boxes to be built into the structure; and

measures to provide shelter and foraging for invertebrate species at ground level, in the external building walls and within the green/blue roof.

Development shall be carried out in accordance with the approved details. The biodiversity enhancements shall be implemented prior to first occupation of the development and retained thereafter.

Pre-occupation

- 12) Notwithstanding condition 2, the development hereby permitted shall not be occupied until details and dimensions of secure bicycle storage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the dwellings. The bicycle storage shall thereafter be kept available for the parking of bicycles.

- 13) Notwithstanding condition 2, the development hereby permitted shall not be occupied until details of refuse/recycling storage (including elevations, external finish and refuse bin capacity) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the dwellings. The refuse/recycling storage shall be retained thereafter. Refuse/recycling bins shall be stored at all times in the refuse/recycling storage other than on refuse collection days.
- 14) Notwithstanding condition 2, the development hereby permitted shall not be occupied until details of perforated or obscure glazed privacy screens of at least 1.8 metres in height to be located on the south facing elevation balconies have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the south facing dwellings. The privacy screens shall be retained thereafter.
- 15) The building hereby permitted shall not be occupied until the windows on the north-east facing side elevation have been fitted with purpose-made obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the rooms in which they are installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 16) The building hereby permitted shall not be occupied until a strategy for provision of communal facilities for television reception (including antennae, aerials, satellite dishes and other such equipment) has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the size and location of equipment to be installed. The strategy and approved details shall be implemented prior to first occupation of the development and shall be complied with thereafter. Notwithstanding the provisions of Schedule 2, Part 1, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015, no other microwave antenna shall be installed on or within the curtilage of the building hereby permitted.
- 17) Notwithstanding condition 2, the development hereby permitted shall not be occupied until details of hard and soft landscaping for the ground level areas and green/blue roof have been submitted to and agreed in writing by the local planning authority. The details shall include:
 - hard surfaces and paving including materials and samples;
 - boundary treatments, internal fencing, pedestrian/access gates, screening around terraces and furniture, including materials, samples and information about sourcing/manufacturers;
 - planting plans; section/profile drawings showing soil depth, layers and membranes; and plans showing soil location, extent, drainage catchment areas (if relevant), inlets and outflows (at a scale not less than 1:100);
 - written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers/densities, location, extent, landscape integration with other roof plant or renewable energy infrastructure, structural integrity, construction, operation and access;

tree planting along the boundaries adjacent to the car park and screening of the car parking area with hedge planting;

screening of refuse storage with soft landscaping;

an implementation programme; and

a maintenance scheme to show how landscaping and green/blue roof will be regularly maintained, including consideration of other roof infrastructure and any changes in maintenance throughout the seasons.

The hard and soft landscaping works shall be carried out in accordance with the approved details and implementation programme. The completed landscaping shall be maintained in accordance with the approved maintenance scheme.

- 18) The building hereby permitted shall not be occupied until evidence of Secure by Design accreditation has been submitted to and approved in writing by the local planning authority.
- 19) The development hereby permitted shall be constructed in accordance with Building Regulations optional requirement M4(2) Accessible and Adaptable Dwellings. The accessible and adaptable dwellings shall thereafter be retained in that form.

Post-occupation

- 20) All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting season and first seeding season following the occupation of the building. Any trees or plants which within a period of 5 years from the occupation of the building die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

End of schedule