



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: 12 December 2023

Appeal Ref: APP/M5450/W/23/3317014

Willow Mead, Pinner Hill, Pinner, Harrow HA5 3XU

- 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 Thusan Thushyanthan against the decision of London Borough of Harrow.
 - The application Ref P/3623/22, dated 19 October 2022, was refused by notice dated 23 December 2022.
 - The development proposed is demolition of existing dwellinghouse and replacement with new dwellinghouse.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The site is within the Green Belt, the Council considers that the proposed development does not constitute inappropriate development and I have no reason to disagree.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Pinner Hill Estate Conservation Area (CA); and
 - The effect of the proposed development on biodiversity and ecology.

Reasons

Character and appearance

4. The CA is characterised by its low density of development and surrounding open greenery or wooded environments. There is an overall secluded and tranquil feel to the area that is complemented by the private nature of the estate. The informal road layout and high architectural quality of the mix of styles from Arts and Crafts to Art Deco and Tudor Revival inspired properties, serve to create a unique sense of place. The atmosphere is enhanced by the sheltering of mature trees and hedgerows, as well as the glimpsed views out over Pinner and beyond.
5. As set out within the Pinner Hill Conservation Area Appraisal and Management Strategy (2009) (CAAMS), the site falls within the Pinner Hill Estate Character

Area explaining that although there is no overriding character to the estate's architecture in terms of scale or design, there is some uniformity and continuity represented in the use of high-quality materials, which are often intricately and decoratively used. Hand-made materials predominate and include red/brown bricks, red/brown plain clay roof tiles, red plain clay hanging tiles, timber, white render and the occasional use of stone to add grandeur to some properties.

6. Pinner Hill has a very unique and distinctive character as a result of its style, form and arrangement of dwellings. Whilst the properties vary in size and form, the properties largely retain their original character which is that of a traditional appearance comprising high quality architectural detailing with a broadly consistent materials pallet. The property forms part of a row of other large, detached properties on large plots which are set back from the road. They are well landscaped to the site boundaries and a number of trees and vegetation surround the appeal site which shield it from views along Pinner Hill where only glimpsed views can be had which serves to create interest.
7. The appeal property is not named in the CAAMS. However, it makes a positive contribution to the CA as its design is of the Arts and Crafts style. Of particular note are some typical features of the period including, red/brown bricks, steeply pitched tiled roofs, tall chimneys, gable ends facing various directions as well as multi-paned windows some of which adorned with shutters. I note the planning history associated with the property as well as previous alterations and claims made regarding its original authenticity including false features such as the gable on the entrance bay. However, the property still exhibits a strong aspect of its original traditional character and such alterations have not diminished its significance. The property remains in keeping with others in the area comprising positive qualities and therefore makes a positive contribution to the character and appearance of the CA. I cannot agree that the architectural and artistic interest is minimal despite its lack of a statutory listing, special recognition within the CAAMS and overall score against the 12 criteria outlined in Historic England guidance.
8. The proposed development amongst other works, seeks to demolish the existing dwellinghouse and replace it with a new dwellinghouse. The overall principle of demolition does not appear to be disputed given the overall structural condition of the property. The proposed new dwellinghouse would comprise a 5-bedroom two storey property incorporating a gable ended dual pitched roof with a cat slide roof to the northern portion of the building. The main materials include the use of red brick and red clay tiles. Panels of decorative stone are also proposed to the exterior of the building and fenestration is proposed to all elevations of the building, with a number of elevations comprising inset terraces at first floor level. A number of roof lights are also proposed.
9. Whilst the scale and massing of the proposed dwelling would be in keeping with what currently exists on the site, the proposed new dwellinghouse would have a modern/contemporary form and design. I accept that the design of the dwelling has taken cues from the existing property in terms of material use and draws upon the Arts and Crafts movement's values and some key details and techniques. However, it would fail to reflect the style and appearance of the existing property and those nearby, including their characterful features such as, prominent gabled ends facing various directions, tall chimney stacks and

fenestration detailing. To this end, the design and type of the proposed fenestration detailing which lacks the more traditional proportions and vertical emphasis, inset terraces at first floor level and roof lights would not correspond with the architectural detailing of the existing property and other buildings in the area which would appear overly prominent in this setting in comparison to other properties. I accept that previous applications may have allowed for some alterations including roof lights. However, the use of roof lights on this property would further draw attention to the overtly modern appearance of the proposed property. It is claimed that roof lights, dormers and inset windows can be seen elsewhere. However, I found very little evidence of any similar to that proposed at my site visit and it is likely that these are few and far between and not prevalent in the area.

10. No other examples of this house type appear in the surrounding area and the replacement of a traditional characterful Arts and Craft style property in this specific location with such a modern/contemporary dwelling would be a stark contrast to the original building and the more traditional/distinctive character of the area. I note comments regarding chimneys being redundant in houses with modern services. However, I have considered the overall design rather than the lack of one specific feature.
11. Whilst the CAAMS does not list modern architectural design among the '*Problems, Pressures and Potential for Enhancement*', the proposed development by virtue of its style and appearance is not appropriate for this particular location for the reasons given. As referred to above, views of the property are somewhat restricted given the level of screening that exists although glimpsed views can still be had from the road and thus the difference would still be visible in the street scene. I acknowledge the changes proposed to the hard and soft landscaping arrangements including increasing the private green space to the north of the building by creating a planted courtyard. However, this would not overcome the harm identified and its limited views would not be sufficient to justify harmful development to the character and appearance of the area.
12. I acknowledge that the overall appearance of dwellings and overall character alters within the surrounding streets including further south. They do not however form part of this particular street scene and are therefore read differently.
13. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA. It would lead to less than substantial harm to its significance as a designated heritage asset. Paragraph 202 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The appellant claims that the public benefits of the proposed scheme is securing the long term viable use of the building as a residential dwelling within the CA, creating a safe dwelling by ensuring that the identified mine activity beneath the building does not cause harm to occupants and creating an energy efficient, sustainable building. This is in addition to construction and employment of demolition and rebuild works. Whilst there may be some public benefit to the redevelopment of the site, this would be very limited particularly given the small-scale nature of the development with the main benefit being more of a

personal benefit by providing a new dwellinghouse onsite. I am aware of the dwelling's structural instability. Nevertheless, there is no evidence before me to suggest that this could not be achieved by a scheme that would be less harmful to the CA. Overall, I find that there are insufficient public benefits to offset the identified harm to the CA to which I have attached great weight given the CA's conservation advised by the Framework.

14. The proposed development would therefore be contrary to Policies D3 D(1), D3 D(11) and Policy HC1 C of the London Plan (2021) (LP), Policies CS1.B, CS1.D, and CS6.A of the Harrow Council Core Strategy (2012), Policies DM1 A, DM1 B (a), (b), (c), DM6 A (a), (b), DM6 C, DM7 A, DM7 B (a), (b), and DM7 D of the Harrow Council Development Management Policies (2013) (DMP), the Harrow Council Supplementary Planning Document: Residential Design Guide (2010) and the CAAMS which together, amongst other matters, requires development proposals to 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.

Biodiversity and ecology

15. A number of reports have been prepared for the site assessing the proposed dwelling's impact on ecology and biodiversity which identifies the designated sites, including the Site of Importance for Nature Conservation (SINC) which borders the site and assessed in relation to the proposed development.
16. The Preliminary Ecological Appraisal amongst other matters, sets out the potential ecological constraints to the proposed development and appropriate mitigation measures. It identifies the need for further bat surveys which were indeed carried out. Overall, it concluded that, subject to the completion of the required bat surveys and the implementation of the recommended mitigation measures, the proposed development is unlikely to have a significant ecological impact.
17. The Bat Survey undertaken found bat roosts within the building and thus concluded that the proposed works at the site would result in the disturbance and loss of the bat roosts present within the roof. It would therefore be necessary to obtain a Protected Species License from Natural England prior to undertaking the work. Were I minded to allow the appeal, such detail could be secured by an appropriately worded planning condition.
18. Mitigation measures have been recommended during the works and post development including amongst others, roost provision within the new building, sensitive lighting schemes and native planting. The survey goes on to explain that due to the small size of the roost and the presence of common and widespread species onsite, it is thought that through the above mitigation and roost provisions, it is more than feasible to maintain the roosting conservation status of the bats onsite in the context of the proposed development.
19. Based on the evidence before me, the reports provided are to a sufficient level of detail to highlight that the mitigation measures proposed will provide sufficient and appropriate protection to bats and other species and I am sufficiently persuaded that the proposed development is unlikely to have a significant ecological impact even taking into account the SINC. I also have no

compelling reason to assume that a license from Natural England would not be granted.

20. Biodiversity Net Gain details have also been provided highlighting the proposals for biodiversity enhancement at the site. It confirms that the proposals would achieve a 15% uplift in Biodiversity Net Gain on site. Additionally, the Proposed Site Block Plan details the location and purpose of the biodiversity mitigation measures in place.
21. Whilst the proposed biodiversity net gain is under 20% which is claimed to be the required figure, I am unable to identify any specific percentage metric within the policy documents provided and nonetheless, I am persuaded that the uplift in Biodiversity Net Gain on site is considered suitable enhancement for a single replacement dwelling.
22. For the above reasons, I conclude that the proposed development would not have an unacceptable impact on biodiversity and ecology. The proposed development would therefore accord with Policies G6 A, G6 C and G6 D of the LP, Policies DM20 A, DM20 B and DM21 A (e) of the DMP and the Harrow Council Biodiversity Action Plan 2015-2020 which together, amongst other matters, explains that potential impacts on biodiversity should be avoided or appropriate mitigation sought as well as aiming to secure net biodiversity gain. For the same reasons, the proposed development would accord with the aspirations of the Framework relating to conserving and enhancing the natural environment.

Other Matters

23. The property would be a five bedroomed family dwellinghouse and would provide a high standard of future accommodation including to standards required for accessible and adaptable dwellings both internally and externally making more efficient use of space. It would also incorporate energy-efficient design, following Passivhaus principles to create a more sustainable building but also one which maximises daylight, sunlight and ventilation, which cumulatively improves the energy efficiency whilst also being secure by design. However, such matters would not affect my findings in relation to the above main issues nor be sufficient to outweigh the harm identified.
24. The Council do not appear to raise any particular concern in relation to car parking, cycle and refuse storage, residential amenity, trees, location, and traffic. However, a lack of harm in relation to such matters is a neutral factor in my overall decision as are matters relating to fire safety and drainage/flood risk matters.
25. I appreciate that there is a level of support for the proposed development and note that pre-application advice was undertaken. This would not however overcome the harm I have identified nor would matters relating to property prices in the area.

Planning Balance

26. The scheme would fail to preserve or enhance the character or appearance of the CA. Although the proposal would not result in harm to biodiversity and ecology, the absence of harm is a neutral factor in the overall balance.

27. It follows that the proposal conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination including the provisions of the Framework, that outweighs the identified harm and associated plan conflict.

Conclusion

28. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR