



Appeal Decision

Site visit made on 28 November 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/M5450/W/23/3323290

Garages adjacent to 5 Pinewood Close, Pinner, Harrow HA5 4BW

- 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 Milan Pavlovic against the decision of the Council of the London Borough of Harrow.
- The application Ref P/0094/23, dated 13 January 2023, was refused by notice dated 30 March 2023.
- The development proposed is Demolition of a single storey row of garage and the erection of a 2-storey building comprising of 2 residential dwellings (Class C3) with associated car parking, cycle and waste storage and landscaping.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of the occupants of 66, 68 and 70 Rowlands Avenue, and on the occupants of 4 and 5 Pinewood Close, with regards to outlook and privacy;
 - The effect of the proposal in the character and appearance of the area; and
 - Whether the proposed dwellings would provide satisfactory living conditions for future occupants, having regard to light and outlook.

Reasons

Living conditions –Nos 66, 68 and 70

3. The appeal site is a parking area to the rear of dwellings and comprises a row of garages and hardstanding. The proposal would replace the flat roof, singled storey garages with two dwellings, and the proposed dwellings would be built close to the rear boundary of 66, 68 and 70 Rowlands Avenue.
4. The rear gardens of these neighbouring properties are a modest size. The rear boundary of No 66 is considerably screened by large evergreen trees. However, only a section of the rear boundary of No 68 is screened by this tall vegetation, and the rear of No 70 is relatively open above the boundary fence. This undeveloped space above the rear boundaries of Nos 68 and 70, contributes to a sense of openness in this closeknit estate.
5. The mass of the proposed two storey forms would substantially fill this existing undeveloped space above the fences. The outlook for these occupants, when in their gardens, would be of a brick wall and the roof of the proposed dwellings

above the shared boundary fence. The current sense of openness would significantly erode, and these existing outside spaces would be considerably less enjoyable for the occupants of Nos 68 and 70 as a result.

6. The rear of the proposed dwellings would not have windows at the upper floor level and therefore would not significantly impact on the privacy levels at No 66, 68 and 70. Be this as it may, the outlook in the modest rear gardens of Nos 68 and 70 would be dominated by the close proximity of a solid wall, and this would make these outside spaces significantly less pleasant for the occupants of these dwellings to use.

Living Conditions - Nos 4 and 5

7. Residents experience some overlooking when in their homes and gardens in this suburban estate. However, this overlooking is principally from neighbouring dwellings in the same street or from the rear. Overlooking from properties at side boundaries is therefore limited.
8. This proposal would result in two dwellings, close by, that would have an elevated outlook over the side boundary of No 5 and its rear garden and patio. This would considerably reduce the existing level of privacy that occupants of that dwelling currently enjoy. This unacceptable loss of privacy would significantly harm the living conditions of those occupying this neighbouring property.
9. Also, the side elevation of proposed dwelling 2 would only be spaced from the side boundary of No 4 by a small garden. This proposed elevation would have two windows at the upper floor level. As such this would result in future occupants of dwelling 2 having close and relatively uninterrupted views over the rear of No 4. This property is already overlooked to some extent. However, this proposal would result in the small garden of this existing dwelling being overlooked from a high level, directly from the side. Consequently, this would provide a poor level of privacy for the occupants of No 4, when in their rear garden.
10. Attention has been drawn to other existing dwellings that have small gardens. However, properties are generally set out in a back-to-back pattern, such that most of the existing dwellings are divided by the length of two rear gardens. This would not be the case with this proposal. Also, while some surrounding properties have windows on the side elevation, the examples I saw at first floor level largely have obscured glazing and this protects neighbours' privacy. In any event, development that may offer poor living conditions elsewhere should not justify unsatisfactory development at the appeal site. This matter has not altered my findings for this reason.
11. With some separation, from the proposed gardens and hardstanding, and the proposed changes largely confined to the side boundaries of existing properties, the new built forms would not appear unacceptably oppressive in scale to occupants of Nos 4 and 5. However, while the proposal would not result in material harm in respect of outlook, this would not be the case for these existing occupants' levels of privacy as outlined above.

Summary -Living Conditions of Existing Occupants

12. I therefore conclude on these matters, that the proposal would have a significant harmful effect on the living conditions of the occupants of 68 and 70 Rowlands Avenue with regards outlook, and the occupants of 4 and 5 Pinewood Close, with regards privacy. In these respects, the proposal would conflict with Policy D3 of

the London Plan, Core Policy 1 of the Harrow Core Strategy (Core Strategy) and Policy DM1 of the Harrow Council Development Management Policies (Development Management Policies). These Policies collectively require development proposals to, amongst other matters, deliver appropriate outlook, privacy and amenity.

13. The proposal would also be inconsistent with the guidance set out in the Supplementary Planning Document: Residential Design Guide (SPD) and provisions of the National Planning Policy Framework (the Framework) which require a high standard of amenity for existing and future users.

Character and Appearance

14. Pinewood Gardens is a short cul-de-sac with dwellings set in a curved pattern. The cul-de-sac is part of a residential estate that has a suburban quality, with a generally linear plot form and grid pattern of development. These features contribute to the coherency of the estate's character, even though the road pattern is somewhat irregular. The built form is relatively closeknit such that verdant features are largely limited to gardens to the front and rear and trees and vegetation at property boundaries.
15. As a communal parking area, the appeal site has a unique quality in this immediate area. While the garages have a tired appearance, the site seems reasonably maintained. Also, the site is largely set at the rear of dwellings. With these factors it has a relatively neutral effect on the appearance of the street scene. However, the relatively undeveloped character of the site allows glimpses of trees in neighbouring properties that are close to the boundary. While these trees are not protected by order, and the appellant asserts they may be seen as being unattractive, they provide a positive contrast with the built form in the area.
16. The proposed dwellings would be built close to the rear gardens of existing properties. As such the new built form would be extremely close to the tall conifer trees at this shared boundary. These trees significantly overhang the existing garages. The evidence¹ indicates that the trees would not need to be removed and would be protected during construction, and this is a matter which can be addressed by condition. However, the trees would need to be substantially cut back to accommodate the development, and once constructed, this existing verdant feature would largely be screened by the proposed dwellings.
17. Moreover, the garden of dwelling 2 would be bounded by two of these trees. This garden would be a small outside space, such that the large trees would appear a dominating feature. While these may be pleasant features in larger gardens and the wider street scene, concentrated at the boundary of the proposed small garden they would appear oppressive to future occupants of this dwelling. In time, even taking account of the favourable aspect of the proposed garden at dwelling 2, there would be pressure to substantially strip or thin the evergreen foliage of the conifers, which would lead to these tall trees appearing unsightly from Pinewood Gardens and in turn this would be harmful to the character of the area.
18. Officers suggested that these trees could be replaced by other species. This would retain the existing verdant boundary, while ensuring screening between existing and future properties, and providing easier access to the rear of the new dwellings. However, the trees in question are on land outside the appeal site, and on land that does not appear to be in the control of the appellant. As such this is not a

¹ Ref: Arboriculture Survey Report and Impact Assessment

matter which can be addressed by condition. Also, no other mechanism has been presented to ensure this potentially positive outcome or that would secure a suitable management plan for the existing trees.

19. These proposed dwellings would be in keeping with the architectural style of surrounding properties. While back land development is not a common feature locally, the unique quality of the site could absorb the variation in layout, without harmfully disturbing the prevailing development pattern in the wider area. Be this as it may, the proposal would create significant pressure to substantially reduce existing verdant features at the shared boundary during the lifetime of the development. The proposal would not be of a high quality of design in this regard.
20. Also, while some garages would be replaced by proposed gardens, this would amount to a very small part of the site. Much of the hardstanding would be retained and the remaining existing small structures would be replaced by a sizeable built form, which would screen vegetation and would have limited landscaping features to the front. As such, even if I accepted that the site is degraded, the proposal would significantly diminish existing green features in this location and would not result in a visual improvement in this regard. Moreover, while there is a willingness to accept a condition relating to landscaping, given the limited space for such features in this proposed scheme, I am not satisfied that this would address the harm identified in this case.
21. Attention has been drawn to the Council's Planning Statement for the appeal site that indicates one family dwelling house or a two-unit, flatted development may be acceptable. While noting this is guidance, this is less development than has been proposed in this case and the proposal would be distinctly different to that which is advised for this relatively small site. Moreover, the Statement advises that the development should maintain an active and landscaped frontage. I find that this proposal would fall significantly short in respect of this matter. My findings are not altered for this reason.
22. Accordingly, I find that the proposal would have a significant harmful effect on the character and appearance of the area. In this regard, the proposal would conflict with Policies D3 and G7 of the London Plan, Policies DM1 and DM22 of the Development Management Policies and Core Policy 1 of the Core Strategy. These Policies collectively state that proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.
23. The proposal would also be inconsistent with advice set out in the SPD which seeks to protect the character of areas, and provisions of the Framework which seek well design places.

Living Conditions – Future Occupants

24. There would be limited green features to the front of the proposed dwellings and the immediate outlook at ground level would be hardstanding and of a boundary fence. However, the dwellings would be set back from these features. Moreover, future occupants would have views, at this level, over their gardens and out towards the site access to the wider street. Also, at the upper floor levels the outlook for the future occupants would be over existing rear gardens and would not be unpleasant in this regard. The dwellings would also be southeast facing and with this favourable aspect, a reasonable amount of daylight would reach habitable rooms and the proposed gardens.

25. Given these factors, I find that the proposed dwellings would provide satisfactory living conditions for future occupants, having regard to light and outlook. In this respect, the proposal would generally accord with Policy D3 of the London Plan, Core Policy 1 of the Core Strategy and Policy DM1 of the Development Management Policies. The proposal would also generally accord, in this regard, with guidance of the SPD and the Framework.

Other Matters

26. The Council has not raised concerns about internal and external living space, parking and cycle storage. However, this should be expected with new development so these are neutral factors in this case.
27. The development would provide two family houses, and this would contribute to much needed homes in this area. This is previously developed land and would be an efficient use of under-utilised land. As a small windfall site, the development could be delivered quickly. The area is indicated as having limited access to public transport. However, the nearest bus stop is less than 0.5km, and the railway station is approximately 1 km from the site. It is therefore reasonably well related to public transport. There are also local services in this built-up area. There would be economic benefits from the construction phase and future occupants would likely support services and contribute to the local community. There could also be environmental benefits from a biodiversity net gain at the site, choice of materials, sustainable drainage and water conservation.
28. However, while there is support for the principle of this use at this site in local policy and guidance, the social, economic and environmental benefits would be limited given the scale of the development, and these would not outweigh the adverse impacts of this proposal. Also, even if I accepted that replacing the garages at the site would improve security and the appearance of the area, this would not outweigh the harm identified in respect of living conditions in this case. Moreover, while noting the constraints due to the public right of way, I am not convinced that this harmful proposal would be the only way to secure these limited benefits, and the benefits are countered by this factor.
29. My attention has been drawn to policies and guidance which are not in dispute. However, I have found harm in respect of living conditions and the character of the area, and conflict with the development plan when read as a whole.

Conclusion

30. For the reasons stated above and having regard to the development plan, the Framework and other material considerations, the appeal should be dismissed.

A J Sutton

INSPECTOR