



Appeal Decision

Site visit made on 16 January 2024

by D Moore BSc (HONS), PGDip, MCD, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/M5450/C/23/3327249

Harewood, Priory Drive, Stanmore HA7 3HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeal is made by Mr Ian Marcus against an enforcement notice issued by London Borough of Harrow.
- The notice was issued on 27 June 2023.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised construction of a single storey side to rear infill extension shown hatched blue on plan 2.
- The requirements of the notice are to:
 - 1) Demolish the unauthorised development.
 - 2) Remove from the land all materials and debris arising from compliance with the aforementioned requirement of the notice.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the 1990 Act as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Main Issues

1. The ground (a) appeal is that planning permission should be granted for the matters alleged. The terms of the deemed planning application are derived from the allegation. Hence, planning permission is sought for a single storey side to rear infill extension.
2. The appeal site lies within the Green Belt. The main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework, December 2023 (the Framework), and relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

3. The appeal site is a substantial, detached, two-storey dwellinghouse set within a spacious plot. It is situated on a road characterised by similar residential development and is located within the Green Belt.

4. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The Framework advises that the construction of new buildings is inappropriate development in the Green Belt. Exceptions to this include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The Council advises it considers an increase in the volume, footprint and floorspace of up to 30 percent would normally be acceptable. I consider this a reasonable guide in the absence of any specific policy or Supplementary Planning Document.
6. The unauthorised extension is a modest, flat-roofed structure that infills a gap within part of the rear elevation. The additional floorspace created would be approximately 21.40 square metres. However, the house has been extended previously and incorporates relatively large additions to either side and at the rear. The Council says the previous extensions to the house, plus the unauthorised extension, amount to increases of approximately 207 percent in terms of footprint, 61 percent of floorspace and 90 percent of volume.
7. I accept this level of addition would normally be considered disproportionate. However, the appellant explains that a freestanding structure has been removed to enable the construction of the development. I saw that a previous structure has been removed from an area close to the unauthorised extension. The hardstanding remains on the site and there are water and drainage connections. On this basis, it is apparent that the structure was of substantial construction and appeared comparable in size to the unauthorised extension.
8. Although the development would increase the size of the original building by more than 30 percent, due to previous extensions, this size increase is offset by the removal of a pre-existing structure. In addition, the extension is located at the rear of the house, and it is not prominent in views from the road or the adjoining properties. I am satisfied there would be no visual harm due to the design and location of the extension, and the removal of a freestanding structure of similar size. I find, therefore, that on the circumstances of this particular case, the unauthorised development does not amount to inappropriate development in the Green Belt.
9. Policy DM16 of the Harrow Development Management Policies Local Plan (2013), supports the infilling of previously developed sites where the proposal would not have a greater impact on openness or the Green Belt purposes. The effect of the development on openness is negligible due to its modest size, which is offset by the removal of the pre-existing, detached structure. There would be no encroachment into the countryside, or conflict with the other Green Belt purposes, due to the infill nature of the development and its siting at the rear of a large, detached house.
10. I conclude that the development is not inappropriate development in the Green Belt. It accords with Policy DM16 of the Local Plan, Policy G2 of the London Plan (2021) and CS1.F of the Harrow Core Strategy (2012), which reflect the wording of the Framework in seeking to protect the Green Belt from inappropriate development.

Conclusion

11. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.

Formal Decision

12. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a single storey side to rear infill extension at Harewood, Priory Drive, Stanmore HA7 3HJ as shown on the plan attached to the notice.

D Moore

Inspector