



Appeal Decision

Site visit made on 9 November 2023

by S Lo LLB M.SRA

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/M5450/D/23/3323275

76 Birchmead Avenue, Pinner, Harrow HA5 2BH

- 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 Mr Mark Reeves against the Council of the London Borough of Harrow.
 - The application Ref P/0453/23, dated 10 February 2023, was refused by notice dated 2 May 2023.
 - The development proposed is conversion of existing garage/outbuilding to ancillary accommodation for elderly relatives.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. Two planning permissions have been granted for the development of an outbuilding at rear for use as double garage / gym / leisure / storage. The first planning permission (APP/M5450/D/20/3252196 and P/0448/20) was granted at appeal on 21 October 2020. The second (P/0110/21) was approved on 23 March 2021. I have had regard to those decision in my assessment of this proposal.
4. I have also recently determined another appeal (APP/M5450/W/23/3317600) at this location, however, this matter dealt with the conversion of the single storey outbuilding to a residential unit. It is otherwise unrelated to this proposal, and I have considered this proposal accordingly.

Main Issue

5. The main issue is the effect of the proposal upon the character and appearance of the surrounding area.

Reasons

Character and Appearance

6. The appeal site is a rectangular area of land located at the corner of a cul-de-sac. This area was previously used as a garden space for the existing dwelling at no.76. The dwellings in the area along Birchmead Avenue are predominantly detached, two storeys high and set within generous plots along this modern

residential suburban area. Dwellings generally feature large front gardens and parking areas, which provides the street with a somewhat spacious, suburban character. These front gardens also feature a number of substantial trees, which provide visual relief to the surrounding built form.

7. During my site visit, I observed that an outbuilding at the appeal site has been substantially completed and is currently in use as an ancillary outbuilding for the use of the main residential dwelling. The building is the only observed example of a detached outbuilding of its kind visible from this part of the street and within the immediate group of properties.
8. The proposed development includes internal works to create a separate living space from the main residential dwelling, such as a bedroom, lounge, kitchen and shower room. The frontage of the property would also undergo external works, specifically involving the replacement of the vehicle shutters with windows. The location of the front access point would remain the same, such that the outbuilding would remain physically separate from the main house, notwithstanding that they would jointly share a paved driveway.
9. I understand that the proposal is for this building to be used as accommodation for elderly relatives and that it would remain in incidental use to the main residential dwelling. The scale of the appeal building, as approved by earlier permissions referred to above, would also remain unaltered. However, I find that the proposed development would create the appearance of a residential bungalow dwelling.
10. In reaching this view, I have considered the visibility of the proposed development. The proposed development occupies a corner position in the cul-de-sac and within a gap between the host property and No 78 Birchmead Avenue. Although the appeal building is set on marginally lower ground and in a recessed position relative to the host dwelling, it is nonetheless clearly perceptible from the street by virtue of its incongruous scale and lack of effective screening between it and the street. The plans do not indicate that there is any hedging, hoarding or tree planting proposed which would be able to effectively lessen the overall visibility of the proposed development from public views. Furthermore, due to the installation of the windows on the front facing elevation, there would be unobstructed views into the bedroom and shower room, thereby clearly indicating the cessation of the use of the outbuilding as a garage. In combination, the intensification of the residential use of the building, visibility of the shared front access, alterations to the fenestration, the lack of effective screening, continuing separation of the outbuilding from the main house and its visibility from the street, would highlight the harmful effect the proposed development would have on the established pattern of development along the road.
11. Furthermore, outbuildings for use as additional living spaces such as that proposed are not prevalent in this location within the other plots and sites in the area. As such, the introduction of the proposal would significantly alter the appearance of the site and the surrounding area. Although the site would largely continue to function as one household, the resulting visual intensification of the residential use of the site, alongside the increased level of associated residential activity and paraphernalia, would make the site distinct from neighbouring single household properties. As such, while the proportions

of the building will remain largely unchanged, the proposed development would introduce a more intensive form of residential use into a confined area.

12. I have considered the appeal decision and the previous planning permissions¹, however, neither of these decisions assessed the visual effect of the proposed development as a separate living space. Thus, they merit only limited weight. I have also considered a planning permission² at a different location, however, the annexe for that development was significantly smaller than the proposed development. As such the visual effect of any alteration of the use of the building would not be suitably comparable. Additionally, I am not aware of the particular circumstances of that case as there is limited information before me regarding it. In any event, I must consider the appeal scheme on its own merits, and in the context of the current policy regime which requires the protection of the character of the area, which is not characterised by bungalows of a similar visual profile to the proposed development³.
13. In conclusion, the proposed development would harm the character and appearance of the surrounding area. It would not respond positively to local character and distinctiveness, contrary to Policies D3.D(1) and D3.D(11) of The London Plan (2021) and Policy CS1B of the Harrow Core Strategy (2012). It would not reach a high standard of design, contrary to Policy DM1 A., DM1 B. (a), (c) and (d) of the Harrow Development Management Policies Local Plan (2013). It would not be sympathetic to local character, including the surrounding built environment, contrary to the Framework.
14. The Council's reason for refusal alleges a conflict with Policy CS1.A of the Harrow Core Strategy (2012), however, this policy primarily relates to managing regeneration in accordance with the Harrow & Wealdstone Intensification Area. My attention has not been drawn to any wording in this policy that relates to this main issue. Accordingly, it is not clear whether there is anything specific which is relevant to the proposed development and as such, it has little direct bearing on this issue.
15. The Council's reason for refusal alleges a conflict with the Harrow Supplementary Planning Document: Residential Design Guide (2010) and the adopted Supplementary Planning Document: Garden Land Development (2013). However, my attention has not been drawn to any wording in these documents that relates to this main issue. Accordingly, it is not clear whether there is anything specific which is relevant to the proposed development. In any event, given my findings above and the available evidence, I am satisfied that the proposed development would harm the quality of design in the locality.

Other Matters

16. I have considered representations regarding minimum space standards. However, this is not a matter which affects my findings on the main issue.
17. The appellant has referred to the Uttlesford Decision⁴ in relation to the use of the proposed development as a "granny annex" and related decisions which relate to the use of such annexes⁵. However, the issues identified above by the

¹ APP/M5450/D/20/3252196, P/0110/21 and P/3009/21

² No.51 Birchmead Ave - P/5228/16

³ Nos 1, 22, 24, 26, 28, 30 Birchmead Avenue and the Circuits 1 -6

⁴ Uttlesford District Council v Secretary of State for the Environment and another, 1991

⁵ APP/N5090/D/18/3201125 and APP/B3438/A/12/2188171

Council relate to the scheme's effect on character, rather than the principle of permitting ancillary living accommodation, which is the primary focus of these decisions. Accordingly, they are material considerations of limited weight.

Planning Balance

18. I have found that the proposed development would result in a building, which is uncharacteristic of the area, thus causing unacceptable harm to the character and appearance of the area. I attach significant weight to this finding against the appeal.
19. However, the proposed annex building would allow members of the appellant's family who require additional care to live in close proximity and would enable convenient attendance to care needs. I have had regard to the Public Sector Equality Duty (PSED) and a related appeal decision⁶ referred to by the appellant. The appellants' family shares protected characteristics, and I have taken into account the need to avoid discrimination. I have also had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which includes the need to eliminate unlawful discrimination and to advance equality of opportunity and foster good relations between people who share a protected characteristic (which includes age and disability) and people who do not share it.
20. I have considerable empathy with the appellants' family circumstances and the benefits associated with the proximity of the annex to those that would in part administer care. These are a material consideration of considerable weight.
21. Whilst I am mindful of the space and care needs of the family members, it has not been demonstrated that the design of the proposal is the only means to provide the care required or that it represents the least harmful option. I am therefore satisfied that the PSED considerations and personal circumstances do not outweigh the significant harm to the character and appearance of the area which I have identified. Accordingly, my decision to dismiss the appeal is a necessary and proportionate approach to the legitimate aim of ensuring good design in the public interest.

Conclusion

22. The proposed development would conflict with the development plan as a whole and material considerations do not indicate a decision should be made otherwise than in accordance with it. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR

⁶ APP/B30303/W/18/3209387