



Appeal Decision

Site visit made on 20 November 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2024

Appeal Ref: APP/M5450/W/23/3322100

3 Montrose Road, Harrow HA3 7DX

- 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 Himashu Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4073/22, dated 29 November 2022, was refused by notice dated 19 April 2023.
 - The development proposed is demolition of a one storey building at the side of 3 Montrose Road and construction of a new three storey building and associated internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development on the application form is set out above. However, the description on the Council's decision notice and the appellant's appeal form, whilst the same, differ from that above. The descriptions are 'The development proposed is three storey side extension to create (3 bed) dwelling; bin and cycle stores (demolition of side extension)'. This is a more accurate description of development and I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on: (a) the character and appearance of the surrounding area; and (b) the amenity of users of the community hall and the living conditions of the occupiers of the residential unit within the Wealdstone Methodist Church (WMC) complex, with particular regards to outlook, daylight and sunlight; and
 - whether or not the site would be an appropriate location for a dwelling having regard to national and local planning policy for the development of residential gardens.

Reasons

Character and appearance

4. 3 Montrose Road (No 3) is a three-storey end-of-terrace property, set higher on Montrose Road than the two storey properties opposite. WMC is situated on the

corner of Montrose Road and Locket Road. The community hall, Montrose Pre-school (Pre-School) and the residential flat 1A Montrose Road (No 1A) associated with WMC lie adjacent to the appeal site.

5. The appeal site is also slightly higher than No 1A and the Pre-School. The height difference is further exacerbated by the difference in storey heights. The separation between the gable elevations provides deliberate visual and spatial relief between the tightly developed terrace of three-storey properties and the two-storey and single-storey buildings which contain No 1A, the Pre-School and community hall.
6. The area to the front and side of No 3 provides an important visual break and greenery within the street. This provides an element of spaciousness to the end of the terrace of three-storey properties and the transition of building scale with the mixed development associated with the WMC. The existing single storey extension to the side of No 3 is subordinate in scale to both No 3 and its immediate neighbour. This subordination assists in maintaining the visual break between the buildings.
7. The Council has drawn my attention to several paragraphs of its Supplementary Planning Document – Residential Design Guide (RDG). These specifically relate to household extensions and not the erection of a new dwelling. Nevertheless, the purpose of the RDG is to achieve a consistently high standard of design and layout in residential development and Section 4 seeks to ensure amongst other matters, that new development be informed by the pattern of development of the area. Whilst the proposal would be of a similar scale and design to that of No 3 and the remaining terrace, the infilling of the space would create a continuous wall of development to Montrose Road. The elongation of the three-storey terrace would erode the visual relief between the buildings and significantly reduce the overall spaciousness within the street. Therefore, whilst the design of the dwelling is a positive aspect, it does not outweigh the harm which I have found in terms of the impact on the character and appearance of the street which is required by the RDG.
8. I conclude that the proposed new dwelling would have a harmful effect on the character and appearance of the surrounding area. The development would be contrary to Policy D3 of the London Plan 2021 which seeks to ensure that new development will enhance the local context and respond to the existing character, Policy CS1 of the Harrow Core Strategy 2012 (Core Strategy) which requires new development to respond positively to its context and Policy DM1 of the Harrow Council Development Management Policies 2013 (DMP) which seeks to achieve a high standard of development. There would also be conflict with the RDG which provides advice to ensure that the scale of development harmonises with the character of the area.

Amenity and Living conditions

9. The site of WMC is used for a number of community uses, with the section of WMC closest to No 3 being occupied by the Pre-School at ground floor and in use as a flat No 1A on the upper floor. The flank wall contains several windows. I am told that those obscure glazed windows to the ground floor relate to the Pre-School, with the clear glazed windows at first floor relating to the living room and bedroom of No 1A. Even though the proposal would retain the existing access to No 1A, the separation would be significantly reduced.

10. Views from windows in the proposed rear elevation would be towards the rear of houses on Locket Road. Their orientation within the proposed dwelling would therefore restrict opportunities to directly overlook the outdoor play space associated with the Pre-School. Despite the flank elevation of the proposed dwelling containing a large expanse of glazing, this would be obscured and would relate to a stairwell. The level of opaqueness would therefore restrict direct overlooking. Whilst there may be perceived overlooking by users of the Pre-School and occupiers of No 1A, if the proposal were to have been acceptable, a suitable condition would have been appropriate regarding the level of opaqueness to restrict intervisibility.
11. At three storeys in height, the proximity of the flank elevation from habitable rooms in No 1A would create an imposing feature. This would result in an overbearing and oppressive outlook from these rooms and the occupants would feel hemmed in. The bleakness of the outlook would fail to provide a high standard of amenity.
12. With regard to light levels, I observed at the time of my site visit (early afternoon) that the flank elevation of the Pre-School and No 1A was in shade. Taking into consideration the orientation of the appeal site to the Pre-School and No 1A, I do not consider that the proposal would create any significant additional overshadowing or lead to a harmful loss of light to existing users or occupiers over and above the existing arrangement.
13. I conclude that whilst I have found no harm with regard to perceived overlooking, overshadowing, or loss of daylight or sunlight to either the users of the Pre-School or the existing occupants of No 1, the proposed development would harm the outlook of existing occupiers of No 1A. The proposal would therefore conflict with Policy D3.D(7) of the London Plan and Policy DM1 of the DMP which collectively seek, amongst other things, to ensure development provides appropriate outlook and amenity. There would also be conflict with the RDG which seeks, amongst other matters, for new residential development to protect the amenity of the occupiers of surrounding buildings.

Local Policy

14. The appeal site relates to part of 3 Montrose Road (No 3) and encompasses an existing single storey side extension and part of the side and front garden. No 3 is an end-of-terrace three-storey dwelling, consisting of a single-storey extension, a pathway providing access to the rear and part of its frontage currently laid out as a garden.
15. The Council's Supplementary Planning Document – Garden Land Development (2013) (SPD) supports the Core Strategy and seeks to prevent incremental residential growth on garden land. No distinction is made in the SPD between a front, side or rear garden.
16. Whilst the SPD seeks to prevent incremental residential growth on garden land it goes on to outline two circumstances where an enlargement would be appropriate. The Council will allow any enlargement in footprint that is equivalent to whichever is the larger of either: (i) the footprint of any permitted extensions (excluding outbuildings) that could be exercised for the dwelling(s); or (ii) the footprint of an extension (excluding outbuildings) that would be consistent with RDG. For the reasons set out above, the proposed development would not meet exemption (ii).

17. Even taking account of the differences between the footprint of the existing single storey extension and the new house, it has not been demonstrated that the proposed footprint is not larger than what could be carried out as PD. Therefore, even though the proposal would 'offset' a 3 metre length of the existing ground floor extension, and even if the proposed footprint were to be similar to the overall footprint of that part of No 3. The footprint of the proposal does exceed the limits of PD and I have not been provided with any evidence to the contrary. I therefore see no reason to reach a different view to that of the Council.
18. The appellant questions the relevance of the appeal decisions which the Council relied upon to justify its decision. I do not have full details of those cases and on the basis of the evidence they do not appear to be directly comparable to the appeal scheme. For those reason, those decisions have not been determinative in this case, and I have determined the appeal on its own merits, based on the evidence before me.
19. I therefore conclude that the proposal would conflict with Policy CS1 of the Core Strategy, which amongst other matters, seeks to ensure that growth is managed in accordance with the spatial strategy and that garden development is resisted. There would also be conflict with the SPD, which seeks to resist development on garden land.

Other Matters

20. Absence of harm on the living conditions of future intended occupiers with regards to internal space, outlook, access to outdoor amenity space, and access to cycle parking are neutral matters in the overall planning balance as this would be a likely requirement of a well-designed development.

Planning Balance and conclusion

21. The appeal proposal would create one new house, supporting the Government's objective of significantly boosting the supply of homes. However, the proposal would erode garden land, be harmful to the character and appearance of the surrounding area and harm the living conditions of occupiers within No 1A. As such the benefits would not outweigh the harm.
22. The proposal conflicts with the development plan taken as a whole, and there are no material considerations that lead me to find other than in accordance with it. For the reasons given above, the appeal is dismissed.

L Clark

INSPECTOR