



Appeal Decision

Site visit made on 17 January 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2024

Appeal Ref: APP/M5450/W/23/3320382

13 Kenton Lane, Harrow HA3 8TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission,
 - The appeal is made by Mrs Dipti Vora against the Council of the London Borough of Harrow.
 - The application Ref P/2515/22, is dated 6 July 2022.
 - The development proposed is demolition of existing garage and construction of a new 2-bedroom dwellinghouse with cycle parking and bin provision.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.

Background and Main Issue

3. This appeal follows the Council's failure to determine the planning application within the prescribed period. The Council has since indicated that, had it been in a position to determine the application, it would have refused planning permission.
4. In light of the issues raised by the Council in its statement of case, I consider the main issue in this appeal to be whether or not the proposal would accord with the council's spatial strategy for growth.

Reasons

5. The appeal site forms part of the rear garden of the detached dwelling at 13 Kenton Lane which occupies a corner plot. Despite the Council's assertions that the land has been severed, I observed that it still forms the rear garden of No 13 and is clearly functionally linked to it, as the detached, single storey garage to the rear has been converted to habitable living space associated with No 13. The proposed dwelling would be sited within part of the rear garden and would front Alicia Avenue, following demolition of the outbuilding.

6. Policy CS1 of the Harrow Core Strategy (February 2012) (the HCS) states that growth will be managed in accordance with the Spatial Strategy, with the Harrow & Wealdstone Intensification Area the focus for regeneration, and growth throughout the rest of the borough directed to town centres and strategic previously developed sites, managed in accordance with sub-area policies. The appeal site does not fall within any of these defined areas.
7. HCS Policy CS1 goes on to note that it seeks to resist proposals that would harm the character of suburban areas and development within garden sites. The Supplementary Planning Document: Garden Land Development (April 2013) (the SPD) supports HCS Policy CS1 and confirms that the presumption against garden land development exists to ensure that the borough's housing growth is delivered in accordance with the spatial strategy by preventing incremental residential growth on (greenfield) garden land leading to a harmful degree of dispersal.
8. As the appeal site forms garden land and the proposal is for garden land development, in the form of a new dwelling, it therefore leads to unmanaged, incremental growth on non previously-developed land, at odds with Harrow's spatial strategy.
9. Accordingly, the appeal site would not be a suitable location for new residential development as the proposal would undermine the Council's spatial strategy for growth. It therefore conflicts with Policy CS1 of the HCS which, as noted, seeks to ensure that growth will be managed in accordance with the Council's spatial strategy and that the development of garden land will be resisted. This policy is consistent with paragraph 72 of the Framework which sets out that development plans may include policies to resist inappropriate development of residential gardens.
10. Policy D3 of The London Plan, The Spatial Development Strategy for Greater London (March 2021) has been referred to within the Council's evidence however it seems to me that this policy is not of direct relevance to the main issue in this case.

Conclusion

11. Given the small scale of the proposal, any limited benefits that would be generated during construction and on subsequent occupation would be clearly outweighed by my finding that the proposal would undermine the Council's spatial strategy for growth.
12. The proposal therefore conflicts with the development plan as a whole and there are no other considerations which indicate that a decision should be made other than in accordance with it. Therefore, the appeal should not succeed.

H Ellison
INSPECTOR