



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: 23 February 2024

Appeal Ref: APP/M5450/W/23/3323058

Phoenix Works, Cornwall Road, Pinner HA5 4UH

- 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 N Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0853/23, dated 16 March 2023, was refused by notice dated 15 May 2023.
 - The development proposed is demolition of existing industrial building and erection of new offices across 3 floors.
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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.

Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the area, b) flood risk, and c) the living conditions of neighbouring residential occupiers, with particular regard to outlook.

Reasons

4. The appeal site includes a single storey building which is located along a service road within the Hatch End town centre. Adjacent buildings comprise a mix of commercial and light industrial uses. To the rear of the appeal site are residential properties. This appeal seeks permission to demolish the existing building and erect a replacement office building falling within Use Class E(g)(i).

Character and Appearance

5. It is appreciated that the proposal seeks to reflect a commercial design given its immediate context. Nonetheless, the proposed building would be of a bulky mass, having a large footprint covering much of the appeal site and being three storeys in height. The flat roof appearance from public vantage points adds to the intrusive scale of the proposal. The proposed building would also reflect a modular design, with a distinct lack of interest and detailing on its elevations

giving it a bland appearance. Overall, it would be of a very poor-quality design and thus would appear as an obtrusive addition.

6. There are other three storey buildings in the surrounding area, including those fronting The Broadway immediately opposite the appeal site. Nevertheless, they are traditional properties and form the main, established commercial parade, whereas the appeal site is part of the rear service area, where buildings tend to be smaller and less prominent. This rear service area to the main commercial frontage on The Broadway is a clear, subservient relationship. As such, the proposal is not of a scale reflective of or appropriate to its immediate context and it would be an overly prominent and incongruous addition. Dunford Court is not read within the same context as the appeal site.
7. Accordingly, the proposal would harm the character and appearance of the area and thus would conflict with Policy D3 of The London Plan: The Spatial Development Strategy for Greater London (March 2021) (The London Plan), Core Policy CS1 of the Harrow Core Strategy (February 2012) (the HCS) and Policy DM1 of the Harrow Council Development Management Policies (July 2013) (the HDMP). Together with paragraph 135 of the Framework, these policies and guidance aim for developments of a high-quality design which are sympathetic with and responds positively to their surroundings.

Flood Risk

8. The appeal site falls within Flood Zones 2 and 3a, thus it has a medium to high probability of flooding. The planning application was accompanied by a site-specific flood risk assessment¹ (the FRA).
9. The FRA did not apply a site-specific sequential test to identify the availability of lower risk sites which guides development to Flood Zone 1, then Zone 2, and then Zone 3. There is no information before me to suggest that the sequential test should not be applied in this instance, namely that the site has been allocated for development and subject to the sequential test at the plan making stage and that there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.
10. Nevertheless, even if the sequential test is not required in this instance, the Council clearly outlined its concerns with the FRA, notably that it contains a lack of necessary information. I note the lack of detail on fluvial flood depths and levels, ground and floor levels, detailed drainage strategy and evacuation plans. These matters do not appear to have been addressed at the appeal stage.
11. I am also concerned at the accuracy and credibility of the appellants FRA, as reference is made throughout it to residential developments and that the appeal proposal concerns an extension in Flood Zone 1. This seriously questions the reliability of the information provided.
12. The appellant has suggested that the missing information could be conditioned to be provided at a later stage through an updated FRA, as could the requirement for sustainable drainage measures, despite the FRA noting that options are limited. Requiring this information by way of a condition would not

¹ Flood Risk Assessment, Reference WTRF-FRA-2022/12/Q20/Rev A, Dated 10th March 2023

be a reasonable approach as this may impact on the deliverability of the development.

13. All in all, the FRA fails to provide me with confidence that the development is appropriately flood resistant and resilient; that it could incorporate sustainable drainage systems; that any residual risk can be safely managed; and that safe access and escape routes could be included as part of an emergency plan.
14. Taking all the above together, I cannot be certain that the proposal will not be at risk of flooding or that it will not increase flood risk elsewhere for all flood sources. It therefore fails to comply with Policies SI 12 and SI 13 of The London Plan, Policy CS1 of the HCS and Policies DM9 and DM10 of the HDMP. Along with chapter 14 of the Framework, these policies aim to minimise and mitigate flood risk and for appropriate sustainable drainage measures to be incorporated into developments.

Living Conditions

15. The proposed building would be a substantial distance from the rear elevations of 12 Devonshire Road and 4 and 5 Stratton Court, located to the rear, given the generous length of their gardens. Further, the gardens of these properties have considerable landscaping, particularly large mature trees.
16. The large gardens and intervening trees and landscaping would mitigate against the scale of the proposed building, such that it would not be an overbearing addition to neighbouring occupiers when seen from their rear gardens. Even in winter months when the trees may not be in leaf, the sheer quantity of them would continue to obscure the proposal to a good degree. Whilst the trees are not protected, as they are outside of the appeal site boundary their retention could be overseen by neighbouring occupiers.
17. The Council is also concerned with the effect of the proposal on the living conditions of occupiers at 467A Uxbridge Road, which is a first floor flat located opposite the appeal site across the service road. Based on my observations it appears that this room is a kitchen. There is also a further side facing window which may provide an outlook from this room for occupiers.
18. Even if this was not the case, the current outlook from this habitable room is of a commercial setting. In this context, the appeal proposal would not result in any harmful difference to the quality of the outlook. Whilst the proposed building would be three storeys and within relatively close proximity, it would not be so close so as to be overbearing.
19. Concerns raised by interested parties regarding a loss of privacy which may result from the rear facing windows of the proposal could be addressed through an appropriately worded condition, should the appeal succeed.
20. Consequently, the appeal proposal would not harm the living conditions of neighbouring occupiers and thus complies with the collective aims of Policy D3 of The London Plan and Policy DM1 of the HDMP of ensuring developments are not detrimental to the amenity of neighbouring occupiers by failing to achieve satisfactory outlook, amongst other things. It would also accord with the similar aims set out at paragraph 135 of the Framework.
21. Policy CS1 of the HCS has been referred to by the Council however it does not appear to be of direct relevance to this main issue.

Planning Balance and Conclusion

22. The proposal would take place on previously developed land in an accessible location. It would see an uplift in floorspace and therefore staff numbers. New employment provision in this part of the borough on occupation, as well as temporary jobs during construction, are clear benefits of the proposal and increased employment may have a positive effect on the vitality of the wider area. I also acknowledge that the proposal provides office units of varying size, which may assist in supporting smaller businesses or start-up enterprises. Collectively, I afford these benefits moderate weight, given the relatively small scale of the proposal.
23. The lack of any harmful effect on neighbouring businesses and neighbouring residential amenity are neutral matters which do not weigh in favour of the proposal.
24. Conversely, the appeal proposal would not be an effective use of land by virtue of the harm I have identified to the character and appearance of the area and the concerns I have with regards to flood risk. This harm attracts significant weight against the proposal.
25. Thus, the proposal conflicts with the development plan as a whole and there are no other considerations of sufficient weight which indicate that a decision should be made other than in accordance with it. Therefore, the appeal should not succeed.

H Ellison
INSPECTOR