

Appeal Decision

Site visit made on 6 February 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2024

Appeal Ref: APP/M5450/D/23/3334577

26 Stanmore Hill, Stanmore, Harrow, HA7 3BJ

- 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 Kaval Kohli against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1775/23, dated 7 June 2023, was refused by notice dated 13 September 2023.
 - The development proposed is a boundary wall, constructed as part of a completed scheme at the given site has been built taller than what was approved in the original planning permission (Approved height shown in red in drawing 254_G600 P1 Stanmore Hill elevation). Since completed, an enforcement notice has been served in reference to the boundary wall and this retrospective application is required.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development the subject of this appeal has already taken place.
3. In its decision notice, the Council describes the development as "construction of a 2m to 3m high brick front boundary wall with entrance gate (retrospective)."

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the Stanmore Hill Conservation Area.

Reasons

5. The appeal property is a modern detached dwelling located in a mixed use area along Stanmore Hill, a busy road.
 6. The appeal property is situated close to the road, from which it is separated by the wall the subject of this appeal. Across the road from the appeal site is a pavement and a wide grass verge with street trees, beyond which is a road and gardens fronting two storey residential buildings.
 7. The appeal property is located to the front of the Stanmore Hill Recreation Ground, which comprises a locally listed park and garden and is situated within the Stanmore Hill Conservation Area, characterised by the presence of
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attractive period residential and commercial properties along sloping roads amidst the presence of greenery within public and private open space.

8. During my site visit, I observed the presence of mature hedgerows and trees along much of the length of Stanmore Hill close to and on the same side of the road as, the appeal site.
9. Whilst occasional buildings in the area immediately front the pavement, many are set back behind largely open gardens and greenery and this, along with the hedgerows and trees, makes a positive contribution to the Stanmore Hill Conservation Area's green, open and spacious qualities.
10. The wall the subject of this appeal comprises a long, tall brick wall, which steps up as Stamford Hill rises and a tall, wide, solid entrance gate. The wall and gate are set very close to the pavement edge.
11. The height and length of the wall and gate and the wall's solid materials result in it appearing as an imposing and dominant boundary feature unlike any other to be seen in this location. I find that the harm arising from this is exacerbated as a result of the wall and gate's prominent location, in very close proximity to the pavement edge, such that it appears intrusive in its surroundings. The harmful impact of this is lessened very slightly, but not to any significant degree, by the presence of some planting close to the wall.
12. Given this, I find that the wall's dimensions, materials and siting lead it to appear as an incongruous feature, out of keeping with the Stanmore Hill Conservation Area's characteristic soft green landscaping otherwise provided by hedgerows, trees, gardens and parkland.
13. Taking all of the above into account, I find that the development appears intrusive and incongruous, to the detriment of the Stanmore Hill Conservation Area's qualities. The development fails to conserve the appearance of the Stanmore Hill Conservation Area. Having regard to paragraph 208 of the National Planning Policy Framework (the Framework) and to Planning Practice Guidance, I consider that the harm to the character and appearance of the Conservation Area would be less than substantial. This needs to be balanced against any public benefits the development may bring.
14. In support of the development, the appellant states that the wider development improved a poorly developed and maintained site and upgraded an old inefficient dwelling into a modern sustainable dwelling. Whilst environmental improvements could be considered to amount to a public benefit, I note that there is no substantive evidence before me to demonstrate that the improvements identified could not have been achieved without the development the subject of this appeal taking place.
15. In support of the development, the appellant refers to matters relating to the privacy and security of occupiers. However, I do not consider these to amount to public benefits and taking this and the above into account, I find that it has not been demonstrated that public benefits outweigh the harm identified.
16. The development harms the character and appearance of the Stanmore Hill Conservation Area and that this is contrary to the National Planning Policy

Framework; to London Plan (2021) Policies D3 and D11; to DMP¹ Policies DM1, DM7, DM22 and DM23; and to Core Policy² CS1, which together amongst other things, seek to protect local character.

Other Matters

17. The appellant, in support of the development, considers that the development provides some privacy in respect of overlooking relating to the presence of a bus stop close by the property. I recognise this, albeit I am mindful that the property is immediately adjacent to a busy road and as with other properties immediately adjacent to the same busy road, some degree of overlooking, including from buses, might reasonably be expected.

Conclusion

18. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

¹ Reference: Harrow Development Management Policies (2013).

² Reference: Harrow Core Strategy (2012).