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# Appeal Decision

Site visit made on 27 February 2024

**by K Williams MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> March 2024**

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**Appeal Ref: APP/M5450/W/23/3331885**

**Land Adjoining 219-221 Honeypot Lane, Stanmore, HA7 1ES**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs R Candler against the decision of the Council of the London Borough of Harrow.
  - The application Ref is P/0658/23.
  - The development proposed is a new 2-storey detached house.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant submitted an Arboricultural Implications Assessment and an Arboricultural Method Statement with the appeal, which was not before the Council during their consideration of the application. I have accepted this document as it would have been before the Council as part of the appeal documentation.
3. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous iteration. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments. References hereafter in the decision to the Framework are to the December 2023 version.

## Main Issues

4. The main issues are:
  - Whether the proposed development would harm the character and appearance of the area;
  - Whether the proposed development would have a harmful effect on trees.

## Reasons

### *Character and appearance*

5. The appeal site comprises an area of fenced off land between the side of 219-221 Honeypot Lane and the open recreational land of Queensbury Park. The site is overgrown with vegetation. There are several trees growing immediately adjacent to the site boundaries, on them and within the site. As

such site blends in with Queensbury Park. The spatial character of the residential area consists of regularly spaced and aligned two storey buildings, and rear gardens. This part of the residential area retains a pleasing characteristic and uniformity of front boundary hedgerows which is a positive attribute and reinforces the verdant characteristic of the adjacent park. The park setting is also enhanced by the provision of garden space at the rear of properties fronting Winchester Road.

6. The proposed design which includes its massing, scale and external appearance would satisfactorily reflect No 219-221. It would also continue the established building line along the frontage of Honeypot Lane and continue at the height of the adjacent property. However, the appeal site is of broadly triangular shape with an angled side boundary with Queensbury Park. The dwelling would be very close to this boundary, with only minimal separation to the front and rear corner and rear sections of the building.
7. Gaps to the side of many nearby buildings are often fairly limited, even so, the space between the side of the dwelling and the boundary and with No 219-221 would be less generous, and the space at the rear would not in my view compensate for the unusually limited spacing to the side of the building. The tight proximity of the dwelling to its boundaries would be readily apparent from the street scene, as the new crossover access and double driveway would open up views into the site, exposing the awkward arrangement. I find as a consequence that the dwelling would appear cramped within the site, and that it, and No's 219-221 would be deprived of a proper setting. Furthermore, this wide open access would also be at odds with the positive characteristic of the existing verdant front boundaries of properties and absence of frontage car parking in the immediate locality.
8. Located close to the park entrance and its pathways the dwelling would also be highly visible within and seen against Queensbury Park. Leaving no room for planting to the sides it would be seen within a closer, more visually apparent and immediate context than Nos 219-221. The closeness to the site boundary and the park would be at odds with the rear garden settings that predominate along the western edge of the park from the rear of properties on the eastern side of Winchester Road.
9. Not only is the additional openness afforded by the absence of two storey development along the boundary here an importance attribute of the setting of Queensbury Park, but also part of the development pattern in the area. Whilst some trees are intended to be retained, which could mitigate the proximity to the boundary, the effect of the health and longevity of the trees, a matter which I return to below, is uncertain.
10. The overall character and appearance of the area would be diminished by the siting arising from the plot narrowness, closeness to boundaries, and access and parking arrangement. It would appear as an obtrusive form of development and in an incongruous position. Even considering the varied character of the area, including dwellings sited in close proximity to their boundaries, the appeal proposal would not respond positively to the local context.
11. Taking all the above matters into consideration, I conclude that the development would have a harm the character and appearance of the area.

12. Turning to Policy CS1.A of the Harrow Core Strategy 2012 (Core Strategy), this sets out the spatial strategy for growth in Harrow. Outside of the Harrow and Wealdstone Intensification Area, growth will be directed to town centres and previously developed sites. Core Strategy Policy CS1.B seeks to resist proposals that would harm the character of suburban areas and garden development. The Council has not disputed the appellant's evidence submitted with the appeal that the site never formed part of the demise of No 219-221 and was never designated as residential land or garden space.
13. Although development of this scale may be unlikely to prejudice the overall spatial strategy, and whilst the Supplementary Planning Document: Garden Land Development 2013 (the Garden SDP) focusses on garden land, the relevant part of the policy CS1.B is expressed within aims of protecting local character. In this case the harm to the character and appearance would occur whether or not the development is garden land and would result in conflict with the aims of Policy CS1, read as a whole.
14. For the reasons stated, the proposal would be harmful to the character and appearance of the area. Although, I do not find direct conflict with the Garden SPD it would be contrary to Policy D3 of the London Plan 2021 (the London Plan), Policy CS1 of the Core Strategy, Policies DM1 and DM18 of the Harrow Development Management Policies Local Plan 2013 (the DMP Local Plan). Collectively these seek to achieve a high standard of development which reflects the character of the area.
15. Conflict also arises with paragraph 135 of the Framework which seeks to ensure that developments are visually attractive and sympathetic to local character. For the similar reasons, the proposal would also conflict with the Residential Design Supplementary Planning Document (2010) SPD and requires the design and layout of new development to be informed by the pattern of development of the area in which it is situated.

### *Trees*

16. The appellant's Arboricultural Impact Assessment identifies that the trees to be removed include Cockspur Thorn (T3), Pedunculate Oak (T4), Laurel (T5) and Hawthorn (T6 and T2). These appear to fall within the appeal site and apart from a category 'U' Hawthorne, consist of category 'C' trees. They make a contribution to the area insofar as they provide a verdant backdrop to the park as a group.
17. One boundary tree and two off-site trees, close to the development, are shown as being retained. This includes a mature category 'B' Oak tree (T1) with a life expectancy of over 40 years, located on the site boundary alongside Queensbury Park. This is a prominent feature within the area. Its location, species and height, sets it apart from other trees in the locality, and it can be clearly seen from Queensbury Park. As a result, it has a high amenity value as it makes a significant contribution to the character and appearance of the area.
18. The other category 'C' trees within Queensbury Park are both Hawthorn (T7 and T8). Both have a life expectancy in excess of 10 years. These do not make the same visual amenity contribution as tree T1, but again form part of the sylvan character of the area.

19. The appellant has stated that T1 alongside T3 and T4 have been implicated as the probable cause of building subsidence to No 219-221. Whilst T3 and T4 are proposed for removal and within the gift of the appellant to remove, T1 is not. In any event, I have no substantive evidence before me regarding this matter and cannot be certain that the removal of T1 is inevitable.
20. The Arboricultural Implication Plan shows the footprint of the development and hardstanding would encroach into the Root Protection Areas (RPA) of T1, T7 and T8. The Arboricultural Method Statement (AMS) provides details on the basis that T1 may potentially be retained.
21. The AMS identifies that T1 will require a sizeable reduction to its canopy and lateral branches to provide a clearance to the property and the garden space at the rear, which although Oak is a tolerant species would go beyond industry standards. It is not clear therefore whether this has the potential to affect the health of the tree, given that a full pruning specification has not been provided. It is also not clear whether the extensive pruning would disfigure the appearance of T1.
22. Tree T1 would incur an ingress into the north west portion of its RPA of approximately 5%, by the dwelling and therefore potentially its foundations. The Arboricultural Implication Plan shows paving would mainly be positioned over the RPA of Trees T7 and T8. The advice contained in the British Standards Document<sup>1</sup> advises that the default position should be that structures are located outside the RPA of trees to be retained.
23. Although it is appreciated that excavation within and around the RPA of retained trees would be carried out by hand, under arboricultural supervision, and protective measures would be put in place during the construction, the AMS identifies that full construction details have not yet been decided. It is not clear if it is known where the roots are or how far they have spread. There is no firm commitment or detail regarding construction or mitigation to tree roots in the AMS. I cannot be certain that hand excavation alone would address the presence of the incursion into the RPA of the trees without causing harm to their root systems, potentially leading to the decline or loss of the trees in the future.
24. Although the trees are not subject to Tree Preservation Orders nor in a Conservation Area tree T1 in particular is of significant amenity value. It would be subject to both above and below ground pressure, and there is no overriding justification for the development. Overall, having regard to the above and on the basis of the evidence that is before me, I am not convinced that the proposed development would not significantly undermine the longer term existence and visual contribution of trees within Queensbury Park.
25. The proposed development would therefore have a harmful effect on trees. It would be contrary to Policy DM22 of the Local Plan and Policy G7 of the London Plan. Together, and amongst other things, these seek to ensure that loss of trees would be outweighed by the wider benefits of the proposal and that existing trees of value are retained. The proposal would also be contrary to the paragraph 136 of the Framework which also seeks to retain trees.

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<sup>1</sup> BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations

## **Other Matters**

26. The proposal would make effective use of the site to deliver one additional dwelling contributing to targets for the provision of new housing in the borough in an accessible location with access to local services and public transport. The proposed development including the external appearance and materials would also be of a suitable design. However, the contribution including that of construction and spending by residents would be limited by the small scale of the development.
27. It may well be that tidying or developing the site would make it less likely to attract anti-social behaviour. There is no substantive evidence that this is a significant problem that can only be resolved by development of the site.

## **Conclusion**

28. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
29. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*K Williams*

INSPECTOR