



Appeal Decision

Site visit made on 5 March 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/M5450/W/23/3331571

67 Drummond Drive, Stanmore, Harrow, London HA7 3PH

- 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 Jaymond Badiani on behalf of Transfleet Properties Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref is P/3467/22.
 - The development proposed is the erection of three bungalows.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of three bungalows at 67 Drummond Drive, Stanmore, Harrow, London HA7 3PH in accordance with the terms of the application, Ref P/3467/22, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a triangular site, which is bound on three sides by residential gardens, with an access road from Drummond Drive, situated between Nos. 65 and 67. The site is currently vacant and has a number of trees that surround its perimeter. These are to be retained as part of this development to create natural screening to the development from the neighbouring properties. The surrounding area is predominantly characterised by two-storey, semi-detached dwellings with tiled roofs.
5. The proposal would involve the erection of three, single-storey dwellings. Each would have two off-street car parking spaces, private amenity space and storage for cycles, refuse and recycling. The design of the proposed dwellings adopts a modern, contemporary approach and would be constructed using white render, black aluminium windows, and flat, green roofs.

6. The appeal site lies within an area of predominantly interwar, two storey semi-detached dwellings with tiled hipped roofs, bay windows, and porches. By contrast, the proposed dwellings would be of a simple, contemporary design. They would be single-storey, flat roofed buildings.
7. Although this design approach would not follow the prevailing architectural character of the area, the proposed dwellings would not have a stark or uninteresting appearance. The use of single storey buildings would respect the scale of single storey outbuildings which are present along some of the boundaries to the site and architectural interest would arise from the use of modulated massing and level changes of the flat roofs.
8. The appeal site is set back from the main road and is surrounded on all sides by existing development. The proposal would not be visible within the wider street scene, except from the access road. As such, any views of the appeal site will be limited to the neighbouring properties, and even then, primary views from the site will be from the upper floor windows. The use of green roofs will reduce the visibility of the buildings from neighbouring properties.
9. Whilst each dwellinghouse would have a larger footprint when compared to the surrounding properties, they have been designed in such a way that the overall massing of the buildings would not be harmful. The proposed dwellings would respond positively to the context of the site and make effective use of the site.
10. The use of materials such as white render would ensure that the proposed development can be successfully integrated into the surrounding area, where there is a mix of finishes including, white render, brick, and pebble dash. Notably the dwellings on either side of the vehicle access to the site are finished with white render. Therefore, by virtue of the limited visibility from surrounding street, the proposed development would not cause harm to the character and appearance of the area.
11. For the above reasons, I therefore conclude that the proposed development would not harm the character and appearance of the area. It would thus comply with Policies CS1 of the Harrow Core Strategy (2012), DM1 of the Harrow Development Management Policies (2013) and D3 of the London Plan (2021). These policies require amongst other things, proposals to be of a high design standard and to respond positively to local distinctiveness and character having regard to matters such as massing, bulk, materials, layout, form, appearance, and scale.
12. The proposal would also accord with the requirements of the Framework, which seeks to secure high quality design which takes account of the local character and reflects the local surroundings.

Other Matters

13. I recognise that the proposal has generated public interest, with representations submitted in response to the planning application. I have considered these matters and concerns raised in the submissions by the interested parties, which include but are not limited to loss of privacy, drainage and flood risk, security, outlook, access, congestion, and emergency vehicle access. Notwithstanding the objections received, the Council did not identify any harm in relation to these matters and from all that I have seen and read,

including my site visit, I have no reason to disagree with the Council's assessment of these matters.

14. My attention has been drawn to a historical covenant on the land which it is suggested would restrict future development at the site. However, this is a civil matter that falls outside of the planning regime.

Conditions

15. I have had regard to statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance.
16. I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2). It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
17. In addition to the condition relating to the approved plans, it is necessary to impose conditions requiring the submission of further details in relation to external materials (6), hard and soft landscaping (7, 8 & 9), boundary treatments (16), and solar panels (11) in the interests of protecting the character and appearance of the area.
18. The condition (3) requiring a Construction Logistics Plan is necessary to mitigate risks to highway safety and impacts on neighbouring occupiers during construction. It is a pre-commencement condition because mitigation needs to be agreed before any works on site take place.
19. A condition (4) is necessary to ensure the development is carried out at appropriate and clearly defined levels, relative to the highway and adjoining properties. This is a pre-commencement condition because the levels affect every aspect of the development, so they need to be agreed before work starts on site. A further pre-commencement condition (5) requiring details of the vehicular access to be submitted and approved is necessary in the interests of highway safety.
20. I have imposed conditions (13 & 14) which require the submission and implementation of foul and surface water drainage details in the interests of ensuring adequate drainage facilities will be provided and to mitigate the risk of flooding. A condition (15) requiring further details of the construction of the green roof is also required to ensure adequate drainage facilities is provided.
21. A further condition requiring details of cycle storage (17) is necessary in the interests of highway safety and sustainable travel. A condition requiring further details of the refuse storage arrangements (10) is required to ensure adequate provision is made, including the method of collection.
22. A condition (18) requiring the development to achieve Secured by Design accreditation, is considered necessary to reduce the risk of crime and a condition (12) is necessary to agree a Fire Safety Statement to ensure the development meets standards of fire safety.
23. A condition (19) restricting the use of flat roof areas for amenity purposes and a condition (20) preventing the insertion of additional window openings without the prior written consent of the LPA are necessary to protect the living conditions of neighbouring occupiers.

24. Finally, I have imposed a condition (21) removing specific permitted development rights. This would prevent the change of use from Class C3 (dwellinghouses) to Class C4 (houses in multiple occupation), in the interests of maintaining a mixed, balanced, sustainable, and inclusive community, and residential and visual amenity.

Conclusion

25. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 450216-4 Rev A (Proposed Site Plan)
 - 450216-4 (Proposed Site Sections)
 - 450216-5 (Plans – House 1 and 2)
 - 450216-6 (Plans – House 3)
 - 450216-7 (Proposed Elevations – House 1 and 2)
 - 450216-8 (Proposed Elevations – House 2)
 - 450216-9 (Proposed CGIs)
 - 450216-10 (Proposed Elevations – House 2)
 - Ecological Assessment (Dated: 27 September 2022);
 - Arboricultural Impact Assessment (Dated: 9 September 2022).
- 3) No development shall take place, including any works of demolition, until a Construction Logistics Plan has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition, and construction working hours.

The approved Construction Logistics Plan shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall take place until details of the vehicle access have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that vehicle access has been constructed in accordance with the approved details and shall thereafter be retained.

- 6) Notwithstanding the details shown on the approved drawings, the development shall not progress beyond damp proof course level until samples of the materials (or appropriate specification) to be used in the construction of the external surfaces noted below have been submitted to, and agreed in writing by, the local planning authority:
- All facing and roof materials for the buildings (including outbuildings);
 - Windows/doors/glazing; and
 - Patio and hardstand materials.

The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

- 7) No development shall commence beyond damp proof course level until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping works. These details shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. These details shall also include planting plans, and a schedule of plants noting species, plant sizes and proposed numbers/densities.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
- 10) Notwithstanding the details shown on the approved plans, no development shall commence beyond damp proof course level until there shall have been submitted to and approved in writing by the local planning authority a scheme for:
- The storage and disposal of refuse/waste; and
 - Vehicle access thereto.

The development shall not be occupied until the works have been completed in accordance with the approved details and shall thereafter.

- 11) Notwithstanding the details shown on the approved plans, prior to installation, details of the of the solar panels to be used, including consideration of the reflective characteristics and angle on installation to ensure they are as unobtrusive as possible, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and shall be retained thereafter.

- 12) No work above ground level shall take place until a Fire Safety Statement has been submitted to and approved in writing by the local planning authority. The Fire Safety Statement shall:

- identify suitably positioned unobstructed outside space for fire appliances and for use as an evacuation assembly point;
- provide details of fire alarm systems and active fire safety measures;
- describe how the building will be constructed to minimise the risk of fire;
- identify means of escape;
- provide details of an evacuation strategy for all building users, to be published and updated periodically;
- provide details of access and equipment for firefighting;
- include an implementation programme.

Development shall be carried out in accordance with the approved details and implementation programme. The fire safety measures shall be retained thereafter.

- 13) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 14) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- be retained.
- 15) Before the development is first occupied, full details of the green roof, including cross section of the construction and maintenance plan shall be submitted to and approved in writing by the local planning authority. The

- development shall be carried out in accordance with the approved details and shall be retained thereafter.
- 16) Before the development is first occupied, a plan indicating the position, design, materials, and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed before the development is first occupied and shall be retained thereafter.
 - 17) Before the development is first occupied, details of a minimum of two covered and secure cycle parking spaces per dwelling shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be made available prior to the occupation of the development, maintained, and shall thereafter be retained.
 - 18) The building hereby permitted shall not be occupied until evidence of Secure by Design accreditation has been submitted to and approved in writing by the local planning authority.
 - 19) The roof areas of the dwellinghouses hereby approved shall not be used as an amenity space for occupiers. Access to the roof shall be for maintenance purposes only.
 - 20) No window(s) or door(s), other than those shown on the approved plans, shall be installed without first obtaining the permission of the local planning authority.
 - 21) The development hereby permitted shall be used for Class C3 dwellinghouse(s) only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.