



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: 2ND May 2024

Appeal Ref: APP/M5450/W/23/3330987

Hillfield, Mount Park Road, Harrow HA1 3JR

- 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 & Mrs Pankhania against the decision of London Borough of Harrow.
 - The application Ref is P/1888/23.
 - The development proposed is a detached single and two storey dwellinghouse at rear with accommodation in roof; Vehicle Access; Parking; Landscaping; Refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission has been granted for the erection of a detached outbuilding for use as ancillary accommodation (granny annexe). The planning permission was granted at appeal (APP/M5450/W/20/3257600) on 25 January 2021, subject to conditions. I have had regard to this in my assessment of this proposal. At the time of my site visit on 27 February 2024 no development appeared to have commenced on site.
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 (i) whether the proposed development would conflict with the local policy of restricting the development of garden land; and (ii) the effect on the character and appearance of the area.

Reasons

Garden Land

5. The appeal site comprises part of the grounds of a large detached dwelling known as Hillfield. The dwelling is located within the Mount Park Conservation Area, and the Harrow on the Hill Area of Special Character. Hillfield is also a locally listed building. Part of the wider appeal site sits within the defined Metropolitan Open Land boundary, but the development itself would be outside

this designation. The proposal is for the erection of a two-storey detached dwelling within the existing garden.

6. The focus of policy CS1.A of the Harrow Core Strategy adopted 2012 (HCS) is to support the Council's spatial strategy, the Harrow & Wealdstone Intensification Area, town centres and strategic previously developed sites as the focus for new development in the Borough. Policy CS1.B of the HCS seeks to resist proposals that would harm the character of suburban areas and resist garden development. It requires all development to respond positively to local context. Whilst the terms of the policy are in part based upon the effect on the character and appearance of the area, it also seeks to prevent unfettered dispersal of housing development to support its strategy upon previously developed sites.
7. The Council's Garden Land Development Supplementary Planning Document adopted 2013 (the SPD) clarifies the approach towards the presumption against garden land development in the Borough. The SPD is supplementary planning guidance that has been formally adopted by the Council and whose emphasis on achieving well-designed places is consistent with the Framework.
8. The SPD identifies that for the purposes of the policy garden land means any land within the curtilage of a building the principal use of which is residential. From my observations the appeal site was clearly used as a garden and comprised very pleasant and attractive landscape features and ancillary domestic paraphernalia to the side of Hillfield.
9. The SPD clearly identifies that outbuildings do not constitute inappropriate development on garden land. Although, I have no evidence before me that the permitted scheme comprising a detached outbuilding for use as ancillary accommodation has commenced, the SPD makes a clear distinction between ancillary domestic outbuildings and the construction or conversion of domestic outbuildings for use as independent dwellings. The proposed development would therefore constitute garden land development for the purposes of the policy.
10. Although the appellant contends that the South Harrow sub area has a modest capacity to accommodate new homes, there is no evidence before me that development on garden land is required to specifically address housing needs and there is no exception within the Policy in this respect. CS1 is an overarching policy, and the effect of the appeal proposal alone would be modest. However such individual and small scale proposals could contribute to more cumulative effects if repeated, which I consider could prejudice the aims against unmanaged, incremental growth at odds with Harrow's spatial strategy.
11. There is no evidence before me that the proposal scheme would fall into one of the exceptions set out in the SPD. The appeal site forms garden land and the proposal is for garden land development, in the form of a new dwelling. I therefore conclude the development would conflict with the local policy of restricting the development of garden land.
12. The principle of the development would be in conflict 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 reflects the Framework which sets out

that development plans may include policies to resist inappropriate development of residential gardens.

Character and appearance

13. The site lies within the Mount Park Estate Conservation Area (the CA). Under the provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The development is also subject to the provisions within the Framework concerning designated and non-designated heritage assets.
14. From my observations, the homes within the CA are large, largely set back from the roadside behind generous front gardens and often screened by hedges and trees. The landscape is mature and the setting of the houses are in verdant and sylvan spacious plots. A key feature is the generally low building-to-plot ratio. By virtue of its identified local heritage merit, Hillfield and its grounds adds to the historic and aesthetic charm. It reinforces the CA's special interest and contributes to its character and appearance as a whole and thereby to its significance as a designated heritage asset. Moreover, its spacious and verdant grounds also contributes to the asset's significance in a positive way.
15. The Council has not identified any harm in terms of the overall external appearance of the development. Nor are any concerns presented regarding the effect on the CA, or the non-designated heritage asset of Hillfield. There is no evidence the built development falls within Metropolitan Open Land, and therefore subject to those policies. It also considers the overall plot size to be commensurate with those in the surrounding area.
16. The proposed dwelling would not be widely visible from public vantage points along Mount Park Road. Views would be glimpsed and significantly tempered by vegetation along the site frontage and that of Hillfield. When glimpsed, the dwelling would present a modest and simple gabled elevation, offset to one side within the framed view created by the retained trees to either side of the site access. Thus, the development would maintain the dominant aspect of the dense, sylvan backdrop created by the large numbers of trees within the appeal site. In this respect, it would be of little difference in design and appearance, if not principle, to the relationship of a smaller scaled traditionally designed ancillary building.
17. The proposed dwelling would in terms of the proximity to the boundary be somewhat add odds to the centrally positioned dwellings within the area. However, despite this, the proposed dwelling would not be harmfully so in the context of its positioning within the appeal site or, crucially in my view, towards the end of Mount Park Road. However, I do not find that it would compromise or cause harm to the spatial character or layout of the area, a character which is derived from, amongst other things, generous plot sizes and mature garden vegetation.
18. Thus I am satisfied that the proposed development would preserve the character or appearance of the Mount Park Conservation Area, and the setting of the non-designated heritage asset of Hillfield. I therefore conclude the development would not result in harm to the character and appearance of the area.

19. Accordingly, there would be no conflict with Policy D3 of the London Plan adopted 2021. Nor would conflict arise with Policy DM1 of the Harrow Development Management Policies Local Plan adopted 2013 or Policy CS1 of the HCS. This is insofar as these policies relate to the design of development and their requirement to ensure that development responds to the local and historic context and not detrimental to their character and appearance.

Other Matters

20. I have been referred to several appeal decisions¹ by the Council and the appellant. I note the differences with the appeal proposal which relate to matters of design. However, my view is consistent with the 39 Bancroft Gardens decision where the Inspector also did not find harm arising from design or the character and appearance of the area.

21. I have considered the provisions of the Framework which and the governments objective of significantly boosting the supply of homes. It also small sites can make an important contribution to meeting the housing requirements of an area. Decisions should support the development of windfall sites and great weight should be given to the benefits of using suitable sites within existing settlements for homes making efficient use of land. However, the benefits associated with a single unit would be limited.

22. I note there is an absence of harm in relation to the living conditions of future occupiers and existing nearby residents, accessibility, highways safety, parking provision, waste management, energy efficiency, flood risk and drainage, trees, materials, biodiversity, equalities implications, crime and disorder and fire safety. These are neutral matters in the overall planning balance as this would be a likely requirement of a well-designed development.

23. In addition to the matters outlined above, other concerns have been raised, mainly by local residents. These include the provision of the vehicular access, land not being within the appellants ownership, and removal of existing vegetation. Other than as set out above, the Council did not conclude that they would amount to reasons to justify withholding planning permission.

Conclusion

24. Whilst there would be benefits in terms of the provision of an additional housing unit, this would be limited when weighed in the planning balance given the scale of the proposal for a single unit. Set against this I have found that the proposal would give rise to conflict with the Council's spatial strategy, therefore, the proposal would conflict with the development plan taken as a whole. I conclude that material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore the appeal is dismissed.

K Williams

INSPECTOR

¹ Appeal References: APP/M5450/W/20/3251749; APP/M5450/W/18/3196206; and APP/M5450/W/17/3188306.