



Appeal Decision

Site visit made on 10 April 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/M5450/W/23/3324161

Land next to 41 Hamilton Road, Harrow HA1 1SX

- 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 Passi against the decision of the Council of the London Borough of Harrow.
 - The application Ref is P/4317/22.
 - The development proposed is the erection of garage in replacement of the the old pre-existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the Council's spatial strategy for growth in respect of development on garden land.

Reasons

Character and appearance

3. The appeal site is located in an established residential area predominantly comprising period semi-detached houses, with many having protruding front gables and square bays at both ground and first floors which creates a uniform appearance. 41 Hamilton Road (No 41), the dwelling immediately adjacent to the appeal site is a detached property which has been constructed more recently but adopts design cues from other properties so that it fits harmoniously into the street scene.
4. The properties along the street are set back from the pavement and although many have parking to the front, nevertheless this creates a sense of spaciousness. The combination of the uniformity of design and the sense of spaciousness makes a significant contribution to the character and appearance of the area.
5. There is a larger parking area immediately adjacent to the appeal site which provides parking for a number of cars. There is also a single storey garage located on the opposite side of the road adjacent to 36 Hamilton Road (No 36). However, given the open appearance of the parking area and the modest height, scale and mass of the garage these features do not undermine the

sense of spaciousness or the strong design uniformity that helps to define the character and appearance of the area.

6. The appeal site is a fenced off area of mainly hardstanding that has been cleaned up and improved by the appellant and is currently used as a parking area. At the time of the site visit I observed that there was a car parked on the site. I also accept that the appeal previously accommodated a garage. However, from the submitted photographs although it was quite a long building, it was a modest single-storey building, and in terms of its height and width it was similar in scale to the garage adjacent to No 36 and consequently it fitted comfortably into the streetscene and was compatible with its surroundings.
7. The same cannot be said for the proposed development. Although the proposal would be set back from the road by an appropriate distance, the scale, mass and bulk of the proposed garage would be incompatible with this setting. The ridge line of the proposed garage would be at just below the eaves level of No 41 and the eaves of the proposed garage would be significantly above the height of the top of the garage doors creating a considerable area of brick wall between the garage doors and the ridge of the proposed garage. As a result, the proposed development would be out of scale with its setting as it would not appear appropriately subordinate to No 41. Moreover, a side elevation would immediately abut the common boundary with 58 and 60 Nibthwaite Road (Nos 58 and 60). Although, as outlined above this is currently used for parking, nevertheless, the lack of set in from this boundary would harmfully diminish the sense of spaciousness.
8. It follows that notwithstanding the set back from the road, the proposed development would nevertheless appear as an overly dominant and incongruous feature in the streetscene that would be at odds with the prevailing uniform and spacious character and appearance of the area. The fact that there are mature trees nearby does not adequately ameliorate the unacceptable harm.
9. In reaching that view I have taken account of the fact that planning permission has recently been granted for a garage on the appeal site and there is greater than a theoretical possibility that the approved development would take place if I were to dismiss this appeal and so I give the existence of the approved development significant weight in the determination of this appeal.
10. However, even though the approved scheme would also abut the common boundary with Nos 58 and 60 it would be more modest in scale, height and mass and therefore would be significantly less harmful to the character and appearance of the area. As a result, the existence of the approved scheme nor the fact that the proposal would make efficient use of the appeal site justifies harmful development.
11. I have also taken account of the other examples of garages that the appellant has brought to my attention, including those on Cross Road. However, these examples are located on an entirely different road in an area with a different character and appearance. For example, in the relevant part of Cross Road, there are no houses with a frontage facing the road on either side of the existing garages and so the impact of these examples on the character and appearance of the area is materially different. In any event the existence of

these other examples nor the fact that there have been no objections to the proposal justifies harmful development at the appeal site.

12. I therefore conclude that the proposed development would be harmful to the character and appearance of the area in conflict with Policy D3 of the London Plan - The Spatial Development Strategy for Greater London March 2021 (the London Plan), Policy CS1.B of the Harrow Core Strategy February 2012 (HCS) and Policy DM1 of the Harrow Council Development Management Policies July 2013. Amongst other things, these policies seek to ensure new development comprises high quality design appropriate for its surroundings which responds positively to the local context. The scheme would also conflict with the National Planning Policy Framework (the Framework) which promotes development that is sympathetic to local character.
13. The proposal would also be at odds with the guidance contained within the Supplementary Planning Document – Residential Design Guide (SPD) which among other things seeks to ensure that garages should be proportionate to the size of the original dwelling and should be located away from the boundaries of the site by at least two metres.

Spatial strategy for growth

14. As outlined, the appeal proposal would involve the construction of a garage on an existing area of predominantly hardstanding which is currently used as a parking area.
15. Policy CS1 of the HCS sets out a strategy to manage housing growth in Harrow, including resisting garden development. The supporting text explains that private residential gardens are excluded from the definition of previously developed land and in view of their local importance (as part of suburban character, an important component of the quality of life enjoyed by residents, natural drainage and important local habitat) and the propensity for such sites to lead to unmanaged incremental growth, the spatial strategy directs that development needs to be met on previously developed sites and will resist development on garden land.
16. The Council has also adopted the Harrow Garden Land Development Supplementary Planning Document (GL SPD) which explains that the presumption against garden land development exists to ensure that the Borough's housing growth is delivered in accordance with the spatial strategy by preventing incremental residential growth on garden land leading to a harmful degree of dispersal.
17. I agree that the appeal site meets the definition of garden land. However, the definition of garden land development as contained within the GL SPD makes it clear that it involves any development that results in the formation of one or more new dwellings (houses or flats). Importantly it also confirms that domestic outbuildings do not constitute inappropriate development on garden land and sets out that for the avoidance of doubt, garden land development excludes householder development including domestic outbuildings.
18. Given that the proposal would involve the construction of a garage and does not involve the formation of one or more new dwellings I do not consider the proposal involves garden development as envisaged under Policy CS1 of HCS. This approach is consistent with the recently approved scheme for a garage on

the appeal site. Given that finding it is unnecessary to consider whether the appeal site is a gap site.

19. In reaching that view I have taken account of the fact that the Council indicate that numerous appeal decisions support their position on garden land. Although I have been provided with limited information on these other appeal decisions, there is no indication that any do not involve the formation of at least one dwelling. And in any event, given that there is a legitimate fallback which involves the construction of a garage on the appeal site, I do not consider that the proposal would result in unmanaged incremental growth of the type Policy CS1 of HCS and the GL SPD seek to resist.
20. I therefore conclude that the proposal would not undermine the Council's spatial strategy for growth and does not conflict with Policy CS1 of the HCS, the guidance provided in the GL SPD or with the Framework in so far as these policies and guidance seek to ensure that growth will be managed in accordance with the Councils spatial strategy for growth.

Conclusion

21. Although the proposal would not undermine the Council's spatial strategy for growth, I have found that it would result in unacceptable harm to the character and appearance of the area. As a result, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR