



Appeal Decision

Site visit made on 3 July 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/M5450/W/23/3331908

Land rear of 44 Hunters Grove, Harrow HA3 9AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Denis O'Sullivan against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1154/23, dated 18 April 2023, was refused by notice dated 10 August 2023.
 - The development proposed is a new 2 bedroom bungalow to replace existing outbuilding using the same footprint.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework). Apart from paragraph numbering those parts of the Framework most relevant to this appeal have not been amended. As a result, it has not been necessary to seek comments on the revised Framework. No party's interests have been prejudiced by this approach.
3. In accordance with the parties' submissions, outline planning permission is sought with access as a reserved matter. I have determined the appeal on this basis.

Main Issues

4. The main issues are: whether the location of the development is acceptable having regard to local plan policies; the effect of the proposal on the character and appearance of the area; and the effect of the proposal on the living conditions of residents at No. 42 and 44 Hunters Grove with particular regard to outlook.

Reasons

Suitable location

5. The appeal site comprises land on the south side of Paulhan Road, to the rear of the dwelling at No. 44 Hunters Grove, enclosed by timber fencing with a single storey storage building and hard surfaced yard area. The proposal seeks to replace the outbuilding at the appeal site with a bungalow.
6. In line with the Council's Spatial Strategy, Policy CS1(A) of the Harrow Core Strategy 2012 (the Core Strategy) directs new development to town centres and strategic previously developed sites. Policy CS1(B) then states that

proposals that would harm the character of suburban areas and garden development will be resisted.

7. The Harrow Local Plan, Supplementary Planning Document, Garden Land Development 2013 (the SPD) provides a definition of garden land for the purposes of implementing Policy CS1(B). This includes any land within the curtilage of a building, the principal use of which is residential, including any land that formed part of a garden but which has been legally and/ or physically separated from the donor property.
8. The main parties agree that the appeal site originally formed part of the garden at No. 44 Hunters Grove. The appellant states that the site was legally severed from the rear garden, pointing to a separate freehold title from 1937 such that the site would have formed part of the garden at No. 44 for less than 5 years. Nevertheless, despite this legal separation, and indeed the physical separation due to the timber fencing, it remains that the site would meet the definition of garden land in the SPD by virtue of having previously formed part of the rear garden.
9. The SPD further outlines types of land that will not be garden land. This includes any land that historically formed part of a garden but which now has an other lawful use and which has not reverted to have a garden use. The appellant states that the appeal site has been in use as a builders yard since 2011. However, there is nothing determinative before me that this is a lawful use. The appellant acknowledges that there is not certificate of lawful use in this respect, but points to the fact that the use has existed for over ten years. Nevertheless, it is not my role in determining this appeal to identify the existing lawful use of the land. Even noting the appellant's position, it remains that I cannot be certain that the site now has a lawful use other than the garden land associated with No. 44 Hunters Grove.
10. For the reasons given, the appeal site would not be a suitable location for the proposal having regard to local plan policies. As such, it would fail to comply with Policies CS1(A) and CS1(B) of the Core Strategy; and the SPD insofar as they seek to ensure new development is appropriately located.

Character and Appearance

11. The area surrounding the site is residential. Hunters Grove is defined primarily by two storey semi-detached dwellings with a range of rear alterations, while Paulhan Road features both semi-detached and terraced two storey properties. The dwellings sit largely in long, narrow plots with ample garden space to the rear. An established building line is also present along the south side of Paulhan Road and, while terraced groups are set further back from the road than semi-detached properties, this is done in a largely consistent manner.
12. The existing structure at the site is a single storey outbuilding, in use for storage. I noted similarly positioned outbuildings in the area, most notably to the rear of No. 46 Hunters Grove on the opposite side of Paulhan Lane, and at No. 102 Hunters Grove. However, while the proposal would be single storey in nature, and replicate the footprint of the existing outbuilding, it remains that it would be for a separate residential dwelling, rather than an incidental or storage building.

13. Within this context, a single storey detached dwelling would appear out of place in the streetscene. It would sit forward of the building line along the south section of Paulhan Road which, despite its separation from the other dwellings to the east, would remain noticeable and appear visually jarring. Rather than reading as a transition between Hunters Grove and Paulhan Road, it would stand out as an incongruous feature that fails to successfully reflect or relate to the scale of dwellings on either street.
14. Furthermore, the confined nature of the site would result in a residential plot with limited garden space, particularly to the rear, such that the proposed bungalow would appear cramped and contrived. The appellant asserts that opening up the site onto Paulhan Road would be a benefit to the streetscene compared to the current timber fencing, and that the hipped roof would assimilate in the surrounds. However, these elements would instead highlight the presence of the proposal in the area, drawing attention to the overall incongruous nature of a single storey dwelling within a cramped plot in this location. Overall, the proposal would therefore fail to respect the pattern and placement of residential development in the immediate surrounds.
15. For the reasons given, the proposal would result in significant adverse harm to the character and appearance of the area. As such, it would fail to comply with Policy D3 of the London Plan 2021 (the London Plan); Policy CS1(B) of the Core Strategy; Policies DM1 and DM27 of the Harrow Council Development Management Policies 2013 (the DMP); and the Harrow Council Supplementary Planning Document Residential Design Guide 2010 (the RDG) insofar as they seek to ensure good design that would not have regard to the character and pattern of the area.

Living Conditions – Neighbouring Occupiers

16. As discussed above, the proposal would be single storey in nature and would replicate the footprint of the existing outbuilding at the site. However, even acknowledging the current use of the site as a builders yard, the outbuilding features a flat roof. The proposal, however, would incorporate a hipped roof with gable ends. Due to the confines of the site, this roof feature would be slightly set back from, but remain in close proximity to, the boundaries shared with Nos. 42 and 44 Hunters Grove.
17. The proposal would therefore be clearly visible from the back gardens of these properties. This is particularly the case for No. 44 which, due to the proposal, would have a rear garden of reduced length with the proposed roof spanning much of the width of, and rising above, its rear boundary fencing. Even acknowledging the hipped nature of the roof, the proposal would remain a dominant and imposing feature when viewed from this rear garden, reducing users' enjoyment of this space.
18. However, No. 42 Hunters Grove retains a long rear garden space, and the proposal would span only a section of its northern boundary, along which I noted there to be an element of screening provided by trees. Coupled with the hipped nature of the roof and the fact that the main rear outlook towards the east of No. 42 would remain unchanged, the proposal would not appear so overbearing from this location as to result in significant harm to the living conditions of occupiers of this property.

19. The main parties agree that the proposal would not result in harm to the living conditions of surrounding residents with regard to privacy or light. This, along with the fact that I have found the proposal would not cause harm to the outlook experienced by residents of No. 42 Hunters Grove, represent examples of a lack of harm, neutral in the planning balance.
20. Nevertheless, for the reasons given, the proposal would result in harm to the living conditions of occupiers of No. 44 Hunters Grove with regard to outlook. As such, it would fail to comply with Policy D3 of the London Plan; Policy DM1 of the DMP; and the RDG insofar as they seek to ensure adequate living conditions and development that delivers appropriate outlook.

Other Matters

21. The proposal would result in an additional dwelling in an established residential location, which would meet required space standards and add to the housing mix and choice in the area. However, given its single dwelling nature this benefit would be limited, and would not outweigh the harm identified above.

Conclusion

22. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR