



Appeal Decision

Site visit made on 30 July 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/M5450/W/24/3342940

17 Kynaston Wood, Harrow, Harrow Weald HA3 6UA

- 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 D Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/0178/24.
 - The development proposed is demolition of two detached garages; re-development to create a detached two-storey dwelling house (1 x 4 beds); amenity space; parking; boundary treatment; landscaping; bin/cycle storage on land adjacent to No.17: Single-storey front extension; two-storey rear infill extension to existing dwelling; external alterations (demolition of side extension).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development in the banner heading to that used on the decision notice. This is a more accurate description of the proposed development than that given on the application form and ensures that it accurately captures the scope of the proposal.
3. The proposal is for a single-storey front extension and two-storey rear extension to 17 Kynaston Wood (No 17) a detached two-storey dwelling, and the demolition of an existing garage on land adjacent to No 17 to create a four-bedroom dwelling. The Council has indicated that it has no objections to the proposed single-storey front and two-storey rear extensions to No 17. Based on the evidence and observations on site, I have no reason to take a different view. The dispute between the parties therefore relates to the proposed new dwelling to the side and this shall be the focus of my assessment.

Main Issues

4. The main issues are:
 - whether or not the site would be an appropriate location for a dwelling having regard to national and local planning policy for the development of residential gardens, and
 - whether future intended occupiers would be likely to experience acceptable living conditions, with particular regard to floor to ceiling heights.

Reasons

Local Policy

5. The appeal site relates to part of No 17 and encompasses a garage to the side elevation which is set back from the front elevation. It abuts the double garage associated with its immediate neighbour No 18, and together create a visual gap at the upper level between the dwellings.
6. The Council's Supplementary Planning Document – Garden Land Development (2013) (SPD) supports the Harrow Core Strategy, 2012 (Core Strategy) in that it seeks to prevent incremental residential growth on garden land. For the purposes of implementing Core Strategy Policy CS1 B, the SPD states that garden land means any land within the curtilage of a building which the principal use is residential and includes amongst other matters, hardstanding, outbuildings and other structures located on the garden land, with no distinction made between front, side and rear gardens. Therefore, even if the appeal site has garages to the front and rear, the land for the purpose of the SPD is garden land.
7. Whilst the SPD seeks to prevent incremental residential growth on garden land it outlines circumstances where development would be appropriate. In this case, the appellant contends that the land to the side of No 17 is currently underutilised and that the garages dominate the streetscene, with the site constituting a 'gap' site.
8. The SPD is clear that an exception will be made for 'gap' sites within a built-up street frontage where the 'gap' is an obvious vacant plot, and the dimensions are consistent with those prevailing in the street. In these cases, an exception is justified because genuine gap sites are an exceptional occurrence.
9. Given that there are existing buildings between Nos 17 and 18, even if the appeal site and the garage associated with No 18 do create spaciousness at the upper level between the flank elevations, this is not the case at the ground floor, where the garages clearly infill the street frontage and continue the rhythm of the build form. The presence of these buildings does not quantify an obvious vacant plot. As such, the appeal site does not fall within this exception.
10. I conclude that the principle of the proposed development located on residential garden land would be unacceptable. The proposal would conflict with Policy CS1 of the Core Strategy which seeks, amongst other matters, to ensure that garden development is resisted. There would also be conflict with the SPD and the Framework which seeks to resist inappropriate development of residential gardens.

Living Conditions

11. The appellant's cross-section, submitted in support of their appeal, confirms that floor-to-ceiling height within the proposed dwelling would be 2.5 metres to the ground and first floor. These internal floor-to-ceiling heights would achieve a minimum height standard as set out in Policy D6 of the London Plan 2021. In the absence of anything further from the Council, I have no reason to disagree.

12. I conclude that the proposed dwelling would achieve the minimum internal space standards with regard to the floor-to-ceiling height. It would therefore provide a good standard of accommodation for future intended occupiers. The proposed development would accord with Policies D6 and D3 of the London Plan, and Policy DM1 of the DMP, insofar as they seek high levels of internal amenity for future occupiers. It would also comply with the Council's Supplementary Planning Document: Residential Design Guide 2010, the Mayor of London Housing Design Standards LPG 2023 and the Mayor of London Housing Supplementary Planning Guidance 2016, which collectively seek to ensure indoor environments that are comfortable and inviting for people to use and which deliver appropriate amenity.
13. The Council contends that the proposed development would be contrary to Policy DM26 of the DMP. However, this policy specifically relates to the conversion of houses and other residential premises. As the proposed development relates to the construction of a dwelling house, this policy is not applicable in this instance.

Other Matters

14. The proximity of the site to schools, employment areas, hospitals and transportation links, and the benefits to biodiversity do not outweigh the harm identified above.
15. The absence of harm to highway safety with regard to parking provision, outlook from neighbouring properties, and protected trees are neutral matters in the overall planning balance as this would be a likely requirement of a well-designed development.
16. The appellant has drawn my attention to Policy H2 of the London Plan. This Policy relates to Small Sites, proactively supporting well-designed new homes. There is no dispute that the appeal proposal would create one new house, adding to the Government's Targets, or that its design would not affect the character or appearance of the street scene. However, I have found that the appeal proposal conflicts with the development plan and the benefit of providing accommodation does not outweigh the harm identified.
17. I note the appellant's reference to the Framework and London Plan. These proactively seek to make efficient and effective use of land to meet housing demand, particularly where housing land supply is constrained or there is a shortage of land to meet identified housing need. However, I have not been provided with any evidence to suggest that the housing land supply is particularly constrained within this location or that there is a shortage of land to meet an identified housing need. I do not agree that the appeal site is underutilised as the garage performs a function for the occupants of No 17.
18. I have no evidence to demonstrate that the failure to develop the appeal site would result in encroachment into green areas.
19. The benefit of replacing the additional rear garage with a garden and removing the concrete and hard standing would not outweigh the identified harm above.

Planning Balance and Conclusion

20. Whilst I find no harm to the living conditions of future occupiers with regard to internal spacing standards, this is not the case with regard to the loss of

garden land. The creation of an additional dwelling would support the Government's objective of significantly boosting the supply of homes. However, the proposal would erode garden land and as such, the benefits would not outweigh the harm.

21. For the reasons set out above, the proposal conflicts with the development plan taken as a whole. There are no other considerations which indicate that the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

L Clark

INSPECTOR