

# Appeal Decision

Site visit made on 5 August 2024

**by C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 04 OCTOBER 2024**

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**Appeal Ref: APP/M5450/W/24/3340807**

**66 Yeading Avenue, Rayners Lane, Harrow HA2 9RN**

- 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 Syed Shahbaz Ali against the decision of the Council of the London Borough of Harrow.
  - The application Ref is PL/0719/23.
  - The development proposed is Demolition of Existing Extensions and Erection of New Attached Dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - the effect of the proposal upon the character and appearance of the area, and;
  - whether the proposal would accord with the Council's development strategy for garden land.

## Reasons

### *Character and appearance*

3. The appeal site relates to a semi-detached dwelling located on a corner plot, which has been previously extended to the rear, and features attached outbuildings to the side. The proposal would include the erection of a two-storey side extension in order to create an additional dwelling and would involve the removal of existing extensions to the appeal property, including the rear extension.
4. The proposal would result in a side extension to the existing dwelling of similar width and height to the appeal property. The front elevation of the proposal would continue the building line of the existing dwelling. As result of this scale and design approach, it would not be a subservient addition.
5. Although there are examples within the street of terraced blocks of three dwellings, which the proposal would seek to replicate, such examples are

generally found mid-frontage, with blocks located in corner situations limited to pairs of semi-detached properties. This results in a more open character to such corner locations, and to which the appeal site currently positively contributes.

6. By adding an additional dwelling to the side of the appeal property and replicating other blocks of three dwellings in the street, the proposal would result in the current open corner character of the appeal site being eroded, to the detriment of the wider streetscene and it would not be reflective of the character of the area.
7. I acknowledge that a number of properties in the street appear to have been previously extended in a variety of ways. However, I have not been directed to any specific examples that would reflect the particular circumstances of the appeal site and the proposal before me. I also accept that the proposal would result in the removal of a hip-to-gable alteration which currently means that there is a lack of symmetry in the existing semi-detached pair of dwellings. It would also result in the removal of the cluster of extensions and outbuildings to the side of the appeal property. However, these factors would not justify the harm that I have otherwise identified.
8. Consequently, the proposal would unacceptably harm the character and appearance of the area. It would be contrary to Policy D3 of the London Plan, Harrow Core Strategy (2012) ('CS') Policy CS1B, and Policy DM1 of the Development Management Policies Development Plan Document. Together, and amongst other factors, these policies require new development to be of a high standard of design and have regard to local character and pattern of development, and to respect the host building. It would also be contrary to the aspirations for high quality design set out in the National Planning Policy Framework ('the Framework').
9. Furthermore, the proposal would also be contrary to the Harrow Residential Design Guide Supplementary Planning Document, which states that extensions should be subordinate to the original house, and that side extensions should reflect the pattern of development in the street and should be set-back from the front elevation of the house, as well as have a subordinate pitched roof.

#### *Garden Land*

10. CS Policy CS1A of the directs new development towards The Harrow and Wealdstone Intensification Area, town centres and strategic previously developed sites. CS Policy CS1B identifies that garden development will be resisted. The Harrow Local Plan Garden Land Development Supplementary Planning Document ('the GLSPD') expands upon the spatial strategy set out in CS Policy CS1A, in terms of the harm that unfettered incremental residential development within residential gardens could have upon it. However, neither CS Policy CS1A nor the GLSPD explicitly state that such small-scale housing schemes will not be allowed outside the areas stated where they do not comprise garden land development.
11. The GLSPD sets out a definition of garden land for the purposes of CS Policy CS1. This is stated as including any land within the curtilage of a building, the principal use of which is residential, including gardens of houses. The

definition also includes any hardstandings, outbuildings and other structures located on the garden land.

12. The GLSPD also clarifies that garden land development means any development on garden land that results in the formation of one or more dwellings in the gardens of existing dwellings. However, it also states that the redevelopment of an existing dwelling to provide multiple dwellings on the same building footprint, plus any appropriate enlargements would not be garden land development.
13. The GLSPD recognises that appropriate enlargements to dwellings as part of redevelopment will be acceptable where the enlargement in footprint is equivalent to the larger of either the footprint of any permitted extensions (excluding outbuildings) that could be exercised for the dwelling, or the footprint of an extension that would be consistent with Harrow's Residential Design SPD. It is stated that regard will be had to any increases already exercised or implemented from planning permissions.
14. The footprint of the proposal would not be the same as that of the existing dwelling but would largely occupy an area currently occupied by a single storey side extension and a lean-to structure. It would exceed the footprint of these existing structures to the side of the dwelling. However, there is also a single storey extension to the rear of the current dwelling, and it is not a matter of dispute that it extends to around 6 metres. It is proposed that this extension would also be removed should the proposal be implemented.
15. Based on the provided plans, the combined footprints of existing extensions to be removed would be greater than the footprint of the proposal. Therefore, taking account of existing extensions the proposal would not result in a net enlargement of the existing footprint of the dwelling. In doing so, although the proposal would not be on the same footprint of the existing dwelling, it would represent an appropriate addition. Consequently, the proposal would not amount to garden land development for the purposes of the GLSPD, and also CS Policy CS1B.
16. Although I have been provided with only limited details, I understand that a previous Inspector considered a similar proposal at this appeal site to constitute garden land development. However, the evidence before me indicates that at the time of that decision, the removal of the existing single storey rear extension did not form part of the proposal. Therefore, although I have concluded differently, my approach is not inconsistent with the previous decision as the circumstances are materially different.
17. The proposal would not comprise garden land development and would therefore accord with the Council's spatial strategy for garden land. It would be in accordance with CS Policies CS1A and CS1B, the content of which I have set out above. It would also accord with advice set out in the SPD, which I have also outlined above.

## **Other Matters**

18. I have been directed to a previous approval<sup>1</sup> for a similar proposal at the appeal site, which the Council approved under similar local plan provisions

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<sup>1</sup> P/1931/19

(‘the 2019 approval’). As this planning permission expired in June 2022, and there is no evidence before me to indicate that it commenced, this approval does not form a fallback position to which I can afford weight.

19. However, I acknowledge the importance of consistency in decision making, and that the circumstances of the 2019 approval are similar to those of the scheme currently before me. I am also mindful that the Inspector in the 2023 appeal may not have been provided with the same level of detailed evidence in relation to the 2019 proposal.
20. Nevertheless, I have found that the proposal before me would be harmful to the character and appearance of the area. In these circumstances it is not the case that the 2019 approval represents a decision that should inevitably be followed. Accordingly, I afford the 2019 decision limited weight in my considerations. Additionally, although reference is also made to a 2015 approval at the site, no further details of this have been provided and accordingly, I afford it very limited weight.
21. The proposal would result in an additional dwelling which would contribute to the local supply, and being on a small site could potentially be built out relatively quickly. Having regard to the government’s aspiration to boost the supply of housing set out at Paragraph 60 of the Framework, I afford moderate weight to the modest contribution to supply that the proposal would make.
22. I also afford weight to the contribution to the economy both during construction and on occupation that would result from the proposal. As the proposal would amount to a single dwelling, I afford minor weight to these benefits.

## **Conclusion**

23. Although I have found in favour of the appellant in relation to the second main issue, the proposal would not accord with the development plan when read as a whole. There are no material considerations of sufficient weight that they would indicate taking a decision other than in accordance with the development plan. The appeal is therefore dismissed.

*C Harding*

INSPECTOR