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## Appeal Decision

Site visit made on 17 September 2024

**by Chris Couper BA (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 October 2024**

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**Appeal Ref: APP/M5450/W/24/3341507**  
**147 Eastcote Lane, Harrow, HA2 8RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr Qasim Gulamhusein (Marlpark 71 HA4 Limited) against the decision of the Council of the London Borough of Harrow.
  - The application Ref is PL/0706/23.
  - The development proposed is described as an outline planning application with all matters reserved except for scale in respect of a single storey detached building.
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### Decision

1. The appeal is allowed and outline planning permission is granted for a single storey detached building at 147 Eastcote Lane, Harrow, HA2 8RR in accordance with the terms of the application, Ref PL/0706/23, subject to the conditions on the attached schedule.

### Application for Costs

2. An application for costs was made by Mr Qasim Gulamhusein (Marlpark 71 HA4 Limited) against the Council of the London Borough of Harrow. This is the subject of a separate decision.

### Procedural Matters and Background

3. The application was made in outline, with all matters reserved for future consideration, except for scale. Plans depicting the layout, access, landscaping and appearance were submitted with the application for illustrative purposes, and I have considered them on that basis only. Those plans, the appeal statement, the application form and the outline planning statement, all indicate that the 'single storey detached building' would be occupied as a dwelling, and I have dealt with the appeal on that basis.
4. The site has a lengthy planning history. That includes an appeal following the refusal of a Lawful Development Certificate for an outbuilding to the rear of No 147 (Ref: APP/M5450/X/23/3316617). However, as that appeal remains undecided at the time of my decision, I have not attributed any weight to it as a possible fallback. An appeal was dismissed following the refusal of planning permission for a two storey side extension to create a new semi-detached dwelling on the site (Ref: APP/M5450/W/22/3307397) ('the dismissed appeal'), which I refer to in my reasoning below.

5. The appellant also alerted me to a Lawful Development Certificate for a detached outbuilding on the site, which was granted by the Council on 29 August 2024 (Ref: PL/1746/24) ('the LDC'). In an email dated 17 October, the Council maintains that it would be unreasonable for me to accept such late evidence.
6. However, the Planning Inspectorate Procedural Guide: Planning appeals – England (September 2024) sets out that where there is a change of circumstances, such as a relevant decision on another case, late documents may be accepted. I have therefore considered the LDC, and the Council's comments on it, in my reasoning below.

## **Main Issue**

7. The main issue is the effect of the proposal on the character and appearance of the area.

## **Reasons**

### *Character and appearance*

8. The appeal site is prominently located on the corner of Eastcote Lane and Alexandra Avenue. The built form along this stretch of Eastcote Lane is diverse, and includes a four storey apartment block on the opposite side of the crossroads at Matrix Court, and a mix of two storey semi-detached, detached and terraced buildings on this side of the road. Additionally, I observed a number of bungalows, such as at Nos 143 and 145, and at 172a Alexandra Avenue, all of which are located close to this junction.
9. Notwithstanding those bungalows, elsewhere to the south of the site on Alexandra Avenue the form and pattern of development is much more cohesive, typically comprising two storey semi-detached houses set well back from the principal carriageway behind long strips of tree-lined grass verge, thus giving it a locally distinctive, open and verdant character.
10. The Council states that the appeal site forms part of an important grass verge adjacent to Alexandra Avenue, whilst the appellant maintains that, having regard to land registry documents and conveyancing searches, it is a privately-owned parcel of land without any such designation, or covenants and encumbrances regarding the landowner's choice of landscaping or surfacing materials.
11. For my part, setting aside any uncertainty regarding the status of the land, as illustrated by the images at paragraphs 3.22 and 3.22.1 of the appeal statement, Alexandra Avenue to the south is generally characterised by single elongated strips of grass next to each side of the principal carriageway. Given that the appeal site forms a separate parcel of land behind a wide, tree-lined verge, that spatial pattern and alignment would not be affected by this scheme.
12. Other than the host dwelling along with its garage and shed, the site is devoid of buildings. That part of it to the side of the host is not grass-covered, but has been gravelled over, and it has been enclosed by fencing and vegetation to the front, rear and sides. Thus, in the streetscene, there is only a limited sense of continuity between it and the adjacent publicly-owned land comprising the pavement, cycleway and verge. Irrespective of this scheme, that relationship would diminish further as that vegetation grows.

13. The proposed single storey detached building would broadly mirror the scale of the bungalows on the opposite side of Alexandra Avenue, thus resulting in a degree of symmetry around this junction. At that limited single storey scale, any diminution in the sense of openness around the junction would be significantly less compared to the two storey development in the dismissed appeal.
14. The appellant maintains that the visual impact of the proposal would be significantly mitigated as trees on the site boundaries grow. However, in the absence of more detailed evidence, I cannot be sure that the vegetation in this location, some of which could be very close to the proposed building, would be retained; and I note that landscaping is a reserved matter. I have therefore attributed only very limited weight to that claim, and I have considered the scheme on the basis that there would be a visual impact from public vantage points which would not be neutralised by a vegetative screen.
15. That said whilst, as shown on the illustrative plans, the development would be stepped forward of the building line of houses on this side of Alexandra Avenue to the south, it would not be prominent when approaching from that direction given its limited scale, the slight curvature of the road, and the backdrop of the much bulkier Matrix Court. Moreover, the wide pavement/cycleway, and the tree-lined verge, between the plot's side boundary and the carriageway, which make a significant contribution to the area's character, and which provide continuity with the similar strips to the south, would be retained.
16. Having regard to the LDC, this was for an outbuilding located towards the rear of the host's garden where it would replace an existing garage. Thus, whilst it established that a fairly large structure on that part of the site would be lawful, it is of limited relevance to the proposal before me. Finally, although the Council's decision describes this proposal as poorly designed, the building's detailed appearance would be a reserved matter.
17. For the above reasons, I conclude that the proposal would not harm the character and appearance of the area. It would not therefore conflict with London Plan 2021 ('LP') Policy D3 Parts D1) and D11), Harrow Core Strategy 2012 Policy CS 1.B, or Harrow Development Management Policies 2013 ('HDMP') Policy DM 1. Amongst other things, and in general terms, these require a high standard of design, with development which responds to local distinctiveness and character, having regard to matters such as scale, bulk, the space around buildings and the pattern of development.
18. HDMP Policy DM 23 recognises the importance of grass verges to the character of the borough. Whether or not the appeal site constitutes a grass verge is debateable, but even if it is, that policy does not specifically prohibit development on it, but does, in broad terms, seek to ensure that the area's character would not be harmed. For the above reasons, the scheme would not conflict with that approach.
19. Whilst the Council has not directed me to any particular parts of the Harrow Residential Design Guide Supplementary Planning Document 2010 or the National Planning Policy Framework 2023 ('Framework'), the scheme would not conflict with their broadly similar stance regarding the need for high quality development which is sympathetic to local character, including the surrounding built environment and landscape setting, and to maintain a strong sense of place.

## Conditions and Conclusion

20. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. My first three conditions are the standard reserved matters and time limits for an outline planning permission. The Planning Practice Guidance sets out at ID: 14-006-20140306 that 'scale' involves the height, width and length of each building proposed within the development in relation to its surroundings. In the interests of certainty, a 'plans' condition is therefore also necessary, but only in so far as they depict the site location and matters relating to scale.
21. Given the site's location adjacent to a busy road junction, and in the interests of highway safety and nearby occupiers' amenities, a condition is necessary requiring that the development be carried out in accordance with a construction logistics plan. My condition no. 5, which broadly reflects the Council's suggested wording, is necessarily phrased as a pre-commencement condition, given that impacts could arise from the outset of the development. As required by Regulation 2(4) of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, I sought the appellant's agreement to it.
22. As it would control issues that fall outside the scope of reserved matters and as the site falls within a critical drainage area, my condition no. 6 requires the submission of a scheme of surface and foul water drainage. The Council's suggested condition no. 14 would require the submission of a fire safety statement. However, LP Policy D12 only requires the submission of such statements for major development, which this scheme is not. Ensuring the highest standards of fire safety could reasonably be addressed at reserved matters stage when details of the proposed building, including its layout and access, are submitted.
23. Having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the Council's suggested condition nos. 16 and 17 seek to withdraw permitted development rights for the change of use of the building to a small house in multiple occupation, and for extensions and alterations to it. However, mindful of the tests in the Framework, and the advice at ID: 21a-017-20190723 of the Planning Practice Guidance, I have not been presented with any cogent evidence to demonstrate why such conditions are necessary. I have not therefore imposed them.
24. Having regard to suggested condition no. 15, it would be unreasonable to control the installation of windows or doors into the scheme's flanks, until the proposed layout and appearance of the building are known. The Council's suggested condition nos. 7 to 13 seek to control matters relating to levels, materials, landscaping, boundary treatment, cycle parking and refuse storage. However, these fall within the scope of reserved matters, when issues such as the appearance of the development, landscaping and access will be considered. I have not therefore imposed them.
25. For the above reasons, the proposal would not harm the character or appearance of the area. Having regard to all other matters raised, the appeal is therefore allowed.

*Chris Couper*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) Details of the access, appearance, landscaping and layout ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place, and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with location plan no. A101 Rev B dated 01 December 2023 and, in so far as they depict matters relating to the scale of the proposal only, drawing nos. A108 Rev B, A109 Rev B, A110 Rev B, A111 Rev B, A112 Rev B, A113 Rev B, A114 Rev B, A115 Rev B, A116 Rev B and A117 Rev B.
- 5) No development shall take place, until a construction logistics plan has been submitted to, and approved in writing by, the local planning authority. The plan shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in the construction of the development; the erection and maintenance of security hoardings; wheel washing facilities; a scheme for recycling / disposing of waste resulting from construction works; measures for the control and reduction of dust; measures for the control and reduction of noise and vibration; and details of traffic management to minimise disruption. The approved plan shall be adhered to throughout the construction period for the development.
- 6) No development above ground level shall commence until works for the disposal of foul and surface water have been provided on site in accordance with details to be first submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained in accordance with the approved details.