



Appeal Decision

Site visit made on 24 September 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/M5450/D/24/3344523

Inglenook, South Hill Avenue, Harrow, South Harrow HA1 3PA

- 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 J K Bedi against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/0609/24.
 - The development proposed is retrospective householder and conservation area consent application relating to installation of replacement timber gates and fencing along front boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to “retrospective” in the description is not a form of development. The installation of the replacement timber gates and fencing along the front boundary, has been completed and I observed this to accord with the plans before me. I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the South Hill Avenue Conservation Area (CA).

Reasons

4. The appeal site is a detached two storey-dwelling with half hipped gable end, which sits within a large plot, set back from the road and is surrounded by mature trees. The wider area is characterised by detached dwellings, which sit in large plots with mature landscaping and wide grass verges which gives the area a verdant appearance.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In addition, the National Planning Policy Framework (2023) (the Framework) requires great weight to be given to the conservation of heritage assets.
6. The CA encompasses an area of large, detached dwellings and playing fields located on the lower slopes of Harrow on the Hill. Its significance is derived from the area’s quiet suburban streets set against a backdrop of greenery with playing fields to the south and cricket pitches to the north. The visual quality

of the street scene is enhanced by densely planted gardens and soft landscaped boundaries. Given the above, I find that the spacious plot sizes and soft, landscaped boundary treatments in this locality contribute positively to the character and appearance of the CA.

7. The appeal site is a detached dwelling of traditional appearance within a large open plot, surrounded by mature landscaping and therefore makes a positive contribution to the character and appearance of the CA.
8. The proposed timber gates and fencing comprises concrete posts and gravel boards with double slatted timber panels, with gates of a similar design albeit slightly shorter in height. The height of the fencing would be stepped downwards following the topography of the road, rather than being a consistent height.
9. Although there would be some transparency when viewed at close range and at an angle, the fence would be solid in appearance when viewed within the street scene. The design of the fencing with the use of concrete posts and gravel boards, with a stepped effect, would be a harsh, discordant feature in comparison with the softer more open boundaries in the street. The solid nature of the gates would further enclose the site and erode the open character of the street scene and views through to the landscaping beyond, which is a key feature of the area. The proposed changes would therefore fail to conserve or enhance the character and appearance of the CA.
10. Despite there being some examples of more solid boundary treatments, they are generally low-level with a mixture of brick walling, railings or hedging which gives a sense of openness to the street scene. I noted on my site visit that the property opposite the appeal site has close boarded timber fencing of a similar height to that proposed. However this has timber posts, which softens its appearance compared to the use of concrete posts and gravel boards. I also note the appellant states that the previous timber fence was a similar height, however it did not have solid gates and therefore retained the openness of the street scene, which is not the case with the design as proposed.
11. The appellant has put forward a proposed landscape mitigation plan as part of the appeal and I have considered this with regard to the judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin). In terms of the substantive test, I find that the proposed amendments would be a substantial change to the proposal. In terms of the procedural test, given that interested parties and consultees would not be aware of the amended scheme, I consider that they would be prejudiced if I determined the appeal on the basis of this proposed amendment.
12. The proposal thereby conflicts with policies HC1 C and D3 D.1 and D.11 of the London Plan (2021), policies CS1.B and D of the Harrow Core Strategy (2012) and policies DM1 and DM7 of the Development Management Policies Local Plan (2013), which seek amongst other things to ensure that new development responds to local distinctiveness, enhances and utilises the heritage assets and architectural features that contribute towards the local character, achieves a high standard of design and layout, and seeks to secure the preservation, conservation or enhancement of heritage assets.

13. The proposal also conflicts with the adopted Supplementary Planning Document: South Hill Avenue Conservation Area Appraisal and Management Strategy (2008) and the Supplementary Planning Document: Residential Design Guide (2010), which seek amongst other things to ensure that new development is of a high standard of design which reflects the pattern of development, the historic planned layout and has appropriate boundary treatments.

Heritage Balance and Conclusion

14. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given that the proposal would cause harm to the openness of the local area, which is a positive contribution to the significance of the CA, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
15. Paragraph 208 of the Framework says that where harm is identified to the significance of designated heritage assets that it should be weighed against the public benefits of the proposal. The appellant has put forward that the proposal is necessary to replace the previous timber fence, which was deteriorating and damaged by weeds, causing it to lean towards the highway. In addition, the proposed gates would provide enhanced security for the occupiers, whilst the proposed concrete posts would provide stability over a longer period of time than timber posts. However, whilst I acknowledge that the appearance of the fencing and gate may gradually change over time due to weathering, I am not persuaded that the benefits of the proposal are sufficient to outweigh the significant harm I have identified to the character and appearance of the CA.
16. In reaching my decision I have paid special attention to the requirements of S72(1) of the PLBCAA. I find that there are no public benefits of the proposal that outweigh the harm that would be caused to the CA. I therefore conclude that the proposed development would conflict with the development plan, when taken as a whole, and would fail to accord with the provisions of the Framework. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Accordingly, for the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR