



Appeal Decision

Site visit made on 22 October 2024

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/M5450/C/23/3324648

3 Heathfield, Peterborough Road, Harrow HA1 3DZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Miss Dipti Pattani against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The enforcement notice was issued on 17 May 2023.
 - The breach of planning control as alleged in the notice is without planning permission: the development of a detached outbuilding on the land "the Unauthorised Development") shown hatched black on Plan 2.
 - The requirements of the notice are:
 - 4.1 Demolish the Unauthorised Development.
 - 4.2 Remove from the land all materials and debris arising from compliance with the aforementioned requirement of the notice.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the detached outbuilding at 3 Heathfield, Peterborough Road, Harrow HA1 3DZ referred to in the notice.

Preliminary matters

2. The notice has been issued with respect to the operational development that has been undertaken (the 'detached outbuilding') and does not affect the use of the building in terms of what has been alleged or in what the notice requires. The appellant's statement confirms that the development is ancillary to the use of the dwelling, and that it is used as a "summer house" for the residential flat at No.3. I have therefore determined the appeal on this basis.

The Appeal on Ground (a) and the Deemed Planning Application

Main Issues

3. The main issues are whether the unauthorised development preserves the setting of the Grade II listed buildings at Heathfield, Farthings and Chalgrove and preserves or enhances the character or appearance of the Roxborough Park and the Grove Conservation Area (CA).

Reasons

The setting of the Grade II listed buildings at Heathfield, Farthings and Chalgrove and the Roxborough Park and the Grove Conservation Area (CA)

4. The appeal site relates to a ground floor flat within an attractive Arts and Crafts detached Grade II listed building, which is currently in use as flats, located within the CA.
5. With regards to the effect on designated heritage assets, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. The National Planning Policy Framework, 2023 (The Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 206 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
7. The Roxborough Park and the Grove Conservation Area Study, 2008 (RPGCA) explains that the significance of the CA derives mainly from its architectural and historic interest, particularly along Grove Hill and Peterborough Road, where nine properties are listed and 36 are locally listed. The CA contains mainly late Victorian and Edwardian buildings providing a range of architectural styles including Arts and Crafts designs and medieval/Gothic style properties.
8. Arts and Crafts buildings are predominantly the Arnold Mitchell houses situated on the lower slopes of Grove Hill and Peterborough Road, and make a positive contribution to the significance of the CA. These create an elegant and distinct group that are some of the most architecturally important buildings in the CA. Properties are united by their common scale, siting and use of high-quality materials and common features including gable ends decorated with barge boards and finials, tall chimneys, bay windows, porches, steeply pitched roofs, timber well-proportioned casement or sash windows. These shared qualities point to their common architect, although importantly each house is unique.

9. Heathfield is a late C19 with two storey, with attic, detached house. The building, designed by Arnold Mitchell, is made from red brick, plain tile roof, including first floor tile hanging, with a recessed semi-circular brick arched entrance porch and prominent front gables. The fenestration comprise long low timber framed windows beneath the front gables, and casement windows with small panes and timber framed glazing bars painted white.
10. Adjacent to Heathfield, and also fronting Peterborough Road is the 'Farthings' and 'Chalgrove,' both Grade II listed. The 'Farthings' is a late C19 two storeys with an attic detached house two storeys. The building contains two narrow dormers within the steeply pitched plain tile roof with prominent red brick chimney stacks and pots. The dormers have a hipped, red tiled design that mirrors the porch to the entrance door. The building has unique fenestration, with an elongated central sash dipping between the first and ground floor level, and a 5-bay window at ground floor level.
11. For Chalgrove, the listing description explains that this late C19 two-storey, with attic floor detached house is made from red brick with the first floor of the front elevation rendered. The roof comprises a steeply pitched plain tile roof with prominent red brick chimney stacks and pots. This building also has interesting fenestration with a canted 5 bay window at ground floor level, an elongated central window extending from the first to ground floor level, and two segmental arched dormer windows. Other traditional features include the recessed front porch, a high wooden cornice broken by the long central window and the modillioned eaves cornice.
12. Public and private greenery contributes greatly to the CA's appearance and provides an attractive setting for the architecture of the area. Indeed, I observed that a soft and informal feel is created as dense greenery, comprising evergreen trees, vegetation and high boundary treatments fills gardens which front towards Peterborough Road. This results in a sense of enclosure which limits views from the road to these buildings.
13. The Harrow Supplementary Planning Document Residential Design Guide, 2010 (Design SPD) highlights that, to reduce its impact on neighbouring gardens, outbuildings should be:
 - Proportionate to the size of the original dwelling;
 - Finished in timber and sited in the in the final quarter of the garden; and
 - No higher than 2.5 metres if within 2 metres of the boundary of the site.
14. The outbuilding has been positioned within the garden for the ground floor flat, (No 3), which is located towards the front of the building. The outbuilding, made from timber, with modest flat roof design does not exceed 2.5m in height and is proportionate to the size of this detached property. Furthermore, the outbuilding does not occupy a disproportionate amount of amenity space associated for this garden flat.
15. I appreciate that the outbuilding is sited forward of the front building line and therefore is not strictly in accordance with the Design SPD. Nevertheless, as outlined above, this small group of properties fronting Peterborough Road, and Heathfield in particular, is surrounded by high conifer trees and dense vegetation, with high boundary treatments facing towards the street. Therefore, I observed that continuous and open view of the properties from the

road are not possible, and indeed, this dense vegetation further acts to obscures views of the outbuilding from Peterborough Road and surrounding properties.

16. As such there are only glimpsed views of the outbuilding from the road, and its timber construction and low flat roof blends in harmoniously with this dense vegetation and large conifer trees. Furthermore, given that it is located on the section of the garden furthest from the buildings, an acceptable separation distance is maintained away from the listed buildings of Heathfield, the Farthings and Chalgrove. Based on the above, the outbuilding does not result in the loss of any buildings or features which contribute to the special historic interest of the heritage assets and there is no evidence to suggest that the development harms the significance of the nearby Grade II Listed buildings or the CA.
17. In giving great weight to the assets conservation, the development adequately respects the historic context and character of the listed buildings and the CA and does not erode the setting of the listed buildings to a harmful degree or cause harm to its significance.
18. For the reasons outlined above, the unauthorised development preserves the setting of the listed buildings and the character or appearance of the CA, as a whole, which is in accordance with Core Policy CS1 of the Harrow Core Strategy (2012), Policies DM1, DM7, of the Harrow Development Management Policies Local Plan (2013), and Policies D3 and HC1 of the London Plan (2021). Amongst other things these state that all development must achieve a high standard of design and layout; proposals that secure the preservation, conservation or enhancement of a heritage asset and its setting will be approved; proposals affecting heritage assets should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings; and that proposals that would harm the character of suburban areas and garden development will be resisted.
19. The development is also in accordance with Section 16 of the Framework, which seeks to conserve and enhance the historic environment.
20. The Council have also referred to Policy DM46 of the Harrow Development Management Policies Local Plan (2013). However, this policy relates to new community, sport and education facilities, which is not relevant to this notice which only attacks the unauthorised development of the outbuilding.

Other Matters

21. Comments made by third parties have been taken into account but do not alter the conclusions reached in this decision. Reference has been made to an arts class use of the outbuilding by children. However, these matters do not feature within the allegation or the requirement within the notice. Furthermore, I note the appellant's statement confirms that the development is ancillary to the use of the flat, and I have determined the appeal on this basis. Therefore, this is not a matter for me to consider as part of this current appeal. Indeed, further enforcement action could be taken if the outbuilding is used for any purposes which result in an unauthorised material change of use.

22. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

Conclusion

23. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the enforcement notice. The appeal on grounds (f) and (g) do not therefore fall to be considered.

R Satheesan

INSPECTOR