



Appeal Decision

Site visit made on 3 December 2024

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 January 2025

Appeal Ref: APP/M5450/W/24/3346145

54 Kenmore Avenue, Kenton, Harrow HA3 8PJ

- 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 M Avram against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/0100/23.
 - The development proposed is demolition of existing two storey side extension; construction of new part two-storey/part single storey side/rear extension with rear dormer to create a new 3-bedroom attached dwellinghouse with amenity space, car parking, cycle and waste storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, a revised version of the National Planning Policy Framework (the Framework) was published. In my decision, I have had regard to the revised Framework and any comments in respect to it submitted by the appeal parties.

Main Issues

3. The main issues are:
 - Whether the site provides a suitable location for the development proposed having particular regard to relevant policies within the development plan which control the spatial distribution of housing and which control the development of garden land; and
 - The effects of the proposed development upon the character and appearance of the area.

Reasons

Location

4. Amongst other matters, policy CS1 of the Harrow Core Strategy (CS) sets out that garden development will be resisted. The policy's supportive text and the Garden Land Development Supplementary Planning Document (Garden Land SPD), which assists with the interpretation of policy CS1 in relation to garden development, make it clear that the reasons for this local presumption against garden development are multi-faceted. The preservation of Harrow's suburban character, which gardens play a part in, is one purpose, but another purpose is to actively manage growth in accordance with the spatial strategy set out within the CS which heavily directs housing development toward strategic previously developed sites.

5. Paragraph 75 of the Framework sets out that development plans should consider the case for policies to resist inappropriate development of residential gardens. Therefore, that Harrow's development plan includes policies which establish a presumption against garden development because of particular local circumstances is consistent with advice within the Framework.
6. The Garden Land SPD sets out the circumstances in which the redevelopment of an existing dwelling to provide multiple dwellings would not constitute garden land development: where it would involve the same building footprint or that footprint plus an appropriate enlargement. The Garden Land SPD further explains what is meant by an appropriate enlargement: an enlargement which could be undertaken which would accord with the guidance on extensions within Harrow's Residential Design Guide Supplementary Planning Document (Design SPD) or of a scale or design which could otherwise be implemented utilising permitted development rights.
7. Although the proposed extension to provide the dwelling would replace part of the existing property it would not be restricted to the same footprint, and it would involve the development of land which currently forms a part of the garden serving 54 Kenmore Avenue (No 54). The proposed extension would widen the existing property by over 3 metres (m) and provide accommodation across 3 floors. Together with the proposed rearward element of the extension and the rear dormer, No 54, which is already an extended property, would considerably enlarge.
8. The Design SPD states that extensions need to be in harmony and proportion with the scale of the original building. The proposal would not achieve this, rather, upon completion of the proposed development, the original house would be disproportionately extended. Even though the proposed dwelling would be quite well separated from its plot boundaries, as recommended by the Design SPD, as the original house would be so significantly extended and altered the proposal would, overall, form an inharmonious addition to the original house in conflict with the Design SPD. Furthermore, as the proposal would involve a two storey side extension, and would extend the existing property to the side beyond a wall which fronts a highway, the proposal would involve an enlargement which could not otherwise be implemented as permitted development.
9. As a result, the proposal would redevelop the existing house in order to provide an additional property, but it would fail to do so utilising the existing building footprint or that footprint plus an appropriate enlargement. It would, therefore, constitute garden land development which policy CS1 of the CS establishes a presumption against. In so doing, the proposal opposes the spatial strategy of the CS which heavily directs housing development toward strategic previously developed sites. Consequently, the proposal conflicts with policy CS1.
10. Policies H2 and D1 of the London Plan (the LP) and advice within chapter 11 of the Framework do advocate the provision of homes on small sites, the efficient use of land and incremental densification in order to boost housing supply. Even so, I have no reason to conclude that Harrow's spatial strategy, inclusive of the presumption against garden land development established by the CS, is incompatible with these policy objectives nor do I have any substantive evidence before me that demonstrates to me that this spatial strategy is resulting in a failure to deliver housing on small sites. In turn, I have no sound reason to relegate the significance of the spatial strategy.

11. For the above reasons, and given the conflict I have identified with policy CS1 of the CS, I find that the site does not provide a suitable location for the development proposed.

Character and appearance

12. No 54 is an end-of-terrace property located within an area which is predominately residential in character. It is located on a corner plot with its front elevation facing Kenmore Avenue and its side elevation opposite Radstock Avenue. The side elevation is set-back from Radstock Avenue with a spacious side garden on the intervening land and this provides for a quite open character to this part of the appeal site and the road junction. No 54 and the 3 nearest adjacent houses within the terraced row facing Kenmore Avenue each have evenly spaced apart bay windows. Hipped roof profiles feature above these bay windows as well as at both ends of the run of 4 houses. This roofscape and the bay window distribution provide distinctive and consistent design aspects of the properties. For this reason, these 4 houses form a group of properties which exhibit a high degree of balance and symmetry in their appearance.
13. In order to provide the proposed dwelling and, as I have explained in my first main issue, the extension proposed to the original house would be disproportionately scaled and, upon its completion, No 54 would become so significantly extended and altered that the proposal would, overall, form an inharmonious development adjoined to it. Furthermore, the proposal would introduce to one end of the group of 4 terraced houses a bulkier gabled roof rather than a hipped one. This would serve to harmfully emphasise the scale and mass of the proposed development. This gabled roof design would also be harmfully at odds with the established and distinctive pattern of hipped roofs serving the housing group. In addition, the position of the set of bay windows proposed would diverge from the established and even bay window distribution displayed by the group of 4 houses. These bays and the proposed gabled roof would disrupt the balance and symmetry of the housing group to the detriment of the character and appearance of this part of the street scene.
14. I accept that a quite generous separation distance would remain from the proposed dwelling to the appeal site boundaries. Consequently, any erosion of the open qualities to the side of the existing house and the junction adjacent would be modest. Despite this, the collective effects that would be wrought by the proposed development's scale and mass and disharmony with the original house, and its unsympathetic gabled roof and bay window introductions, would, nevertheless, unacceptably harm the character and appearance of the area. As a result, the proposal conflicts with policy CS1 of the CS which seeks to resist not only garden land development but also development that would harm the character of Harrow's suburban areas. It also conflicts with policies D3 of the LP and DM1 of the Harrow Council Development Management Policies document which, together, require developments to positively respond to local distinctiveness and character and seek to resist proposals which fail to achieve a high standard of design.
15. The proposal also conflicts with those policies within the Framework which seek to ensure that development is visually attractive as a result of good architecture and would be sympathetic to local character. Finally, I also find that the proposal conflicts with guidance within the Design SPD which, amongst other matters, sets out that development should be informed by the established pattern of development and

should respond positively to local character including in respect of scale, massing and roof form.

Other Matters

16. The proposed development would make a contribution to housing supply. It would increase the choice of housing in the area and, as a minor housing development, it is likely that it could be delivered quickly too. However, in providing only a single further dwelling, the contribution to supply would be a limited one. Some economic benefits would also be derived from both the construction phase of the development and through its occupation. However, the benefits that would be derived from these matters would be quite modest, and they would be insufficient to outweigh the harm I have identified in my main issues.
17. It may be, in respect of a range of other planning considerations, that the development would not result in harmful effects. This may include the effects of the proposal upon the living conditions of existing neighbouring occupiers whilst the proposal would provide appropriate living conditions for prospective occupiers as well as provide parking and storage. However, good design is a key aspect of sustainable development, it is fundamental to the planning process and is an expectation. As such, that the proposal would be acceptably designed in some regards and would not result in certain particular harms is a neutral factor in my decision and does not outweigh the harm that I have identified in my main issues.
18. The Council and the appellant each refer to a number of appeal decisions. This includes the previous decision made at the appeal site¹, and the plans and the decision itself are before me. The detailed design of the scheme the subject of the previous decision differs quite considerably from that of this appeal proposal. However, I note that the Inspector in that case also identified that the appeal site was not a suitable location for the development proposed, and it conflicted with CS policy CS1. In these regards, my findings are consistent with those of the earlier decision.
19. Only limited details of the other cited schemes and of the circumstances surrounding the appeal decisions made upon them are before me. Consequently, I cannot be sure that they are very comparable with the proposal before me. Appeal decisions are heavily dependent on the case-specific evidence and circumstances. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case. For these reasons, the cited appeal decisions are of limited weight in my decision.

Conclusion

20. The proposed development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR

¹ Appeal decision reference APP/M5450/W/21/3273337