



Appeal Decision

Site visit made on 31 January 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/M5450/W/24/3350552

12 Savernake Court, Wolverton Road, Stanmore, Harrow HA7 2RA

- 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 Ladv against the decision of the Council of the London Borough of Harrow
 - The application reference is PL/0898/24.
 - The development proposed is the erection of new detached dwelling with associated landscaping and parking.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has provided an updated Flood Risk Assessment (FRA) at the appeal stage, which the Council and others have had the opportunity to review and respond. On that basis, I consider that no injustice would be caused to any interested party if I were to take the updated FRA into account.
3. On 12 December 2024, a revised National Planning Policy Framework (the Framework 2024) was issued, with a subsequent amendment made on 7 February 2025. The Framework 2024, as amended, does not raise any new matters that are determinative to the outcome of this appeal.

Main Issues

4. The main issues are the effect of the proposed development firstly, on the character and appearance of the local area; secondly, on flood risk; and thirdly, on the living conditions of the occupiers of 12 Savernake Court with regard to outlook and visual impact.

Reasons

Character and appearance

5. The appeal property is 2-storey end terrace dwelling that stands to one side of a prominent corner plot on Wolverton Road within a predominantly residential area. The proposal is to erect a detached dwelling within the side garden of No 12, with the site subdivided between the new and existing dwellings.
6. The new addition would face and take access from Wolverton Road. It would be similar in depth to Omega Cottage and broadly follow the front build line of this

semi-detached property that stands just beyond the site. Compared to a similar scheme that was recently refused planning permission at appeal, the new dwelling would be set further back from the road and away from the site's side boundaries.

7. Nevertheless, the proposal would extend across most of the width of the new plot with a sidewall and a rear corner close to the boundaries of the site. As a result, there would be a modest gap between the flank walls of the proposed dwelling and Omega Cottage on one side and No 12 on the other. The main front wall of the new building and its 2-storey bay would also step forward of the 2-storey elevation of Omega Cottage. As a result, the proposal would appear noticeably closer to the road than Omega Cottage. This arrangement would confine the sense of space around 3 sides of the new dwelling to the extent that the proposal would appear to occupy a restricted plot, and the layout would be perceived as cramped even with a good-sized garden to the rear. For these reasons, the new dwelling would stand uncomfortably close to the neighbouring buildings within the local street scene, and it would be a visually disruptive intrusion into partly open garden space.
8. This impression would be most pronounced along Wolverton Road just to the southeast of the site. From this vantage point, the proposed dwelling would be seen at an oblique angle together with the front and side of No 12 in the foreground and Omega Cottage just beyond. That the proposal would stand noticeably forward of the main front wall of Omega Cottage would visually accentuate its presence within the streetscape. In that context, the new dwelling would draw the eye as being unduly confined within the plot. On that basis, the proposal does not overcome the objections raised in the previous appeal.
9. On the first main issue, I therefore conclude that the proposed development would cause significant harm to the character and appearance of the local area. As such, it conflicts with Policy D3 of the London Plan (LP), Policy CS1 of the Harrow Core Strategy (CS), Policy DM 1 of the Harrow Development Management Policies Document (DMPD) and the advice within the Council's Supplementary Planning Document, *Residential Design Guide* (SPD). Taken together, these policies and guidance promote a high standard of design and layout, and they aim to ensure that development enhances the local context. The appeal scheme is also at odds with the Framework 2024 which, like its predecessor, states that development should be sympathetic to local character and add to the overall quality of the area.

Flood risk

10. According to the Environment Agency (EA) Flood Maps, the site falls within Flood Zones 2 and 3, within which there is a medium to high risk of flooding. Accordingly, relevant policies within the development plan and the Framework 2024 apply, which set out strict tests to protect people and property from flooding.
11. Dwellings are classified as 'more vulnerable' and so should be considered against the sequential test (ST) and, if necessary, the exception test before planning permission is granted. The aim of the ST is to steer new development to areas with the lowest risk of flooding from any source. The Framework 2024 states that development should not be permitted if there are reasonably available sites appropriate for the proposal in areas with a lower risk of flooding. There is no evidence before me that a ST has been undertaken to support the proposal.
12. The updated FRA does, however, indicate that the risk of flooding on the site is lower than indicated on the EA Flood Maps and that the risk can be managed and

mitigated. That finding follows a detailed review of the modelled flood data and considers the results of a topographical survey of the land. As a result, the updated FRA concludes that the ground levels within the area of the proposed development are above the anticipated flood level of 69.76m AOD during a 1 in 1000-year event. On that basis, the updated FRA concludes that the risk of flooding can be reduced to Very Low to Low. In mitigation, the updated FRA recommends that the finished floor level of the new dwelling is set at 70.39m AOD and that flood resilient design measures are employed.

13. Even if the appellant's analysis of flood risk is accepted, the Framework 2024 makes clear that local planning authorities should ensure that when determining planning applications flood risk is not increased elsewhere. In this case, a small area of the flood plain would be lost due to the proposal. On that basis, some flood waters would be displaced in a 1 in 100-year event that may increase the risk of flooding to the development and nearby properties.
14. It may be possible to accommodate flood storage compensation within the site and thereby reduce the flood risk to the new development and nearby properties. However, few details of the drainage strategy and volume calculations to support the intended approach are before me. Therefore, I cannot be certain that the proposal would not increase the risk of flooding elsewhere. It is also possible that the drainage strategy might necessitate a redesign of the scheme or a significant element of it. On that basis, it would be inappropriate to leave the acceptability of this matter to a condition.
15. On the second main issue, I consider that there is insufficient information to conclude that the proposed development would be safe from flood risk, and/or would not increase the risk of flooding elsewhere. I also cannot be certain that any harm resulting from the proposal in this regard could be satisfactorily mitigated through a condition. On that basis, the proposal fails to comply with LP Policies SI 12 and SI 13, CS Policy CS1, DMPD Policies DM9 and DM10 and the Framework 2024. These policies broadly aim to achieve an overall reduction in flood risk and an increased resilience to flood events.

Living conditions

16. The new side wall would be close to the new boundary that splits the site into 2 separate plots. As a result, some of the back garden and external patio of No 12 would be partly enclosed and the proposal would be visible from here and from its ground floor rear windows. Even so, the proposal would be modest in height nearest to the new boundary with the single storey elements of the new dwelling mostly in view from this vantage point. A condition could also be imposed to ensure that any boundary fence or wall to define the new plots would be appropriate in height and materials. To my mind, the main direction of outlook from the ground floor rear windows of No 12 and its external patio would be across its back garden, which would remain a good size.
17. In those circumstances, neither the scale, height nor depth of the new dwelling would be so great as to overbear or dominate outlook. Hence the living conditions of the occupiers of No 12 would not be materially reduced. Therefore, the proposal is not contrary to LP Policies D3 and D6, DMPD Policy DM 1, the SPD or the Framework 2024 insofar as they aim to safeguard residential amenity. My favourable finding on this matter does not outweigh the identified harm.

Other matters

18. Once complete, the new dwelling would add to the stock of new housing, which planning policy supports particularly if it involves small sites. No objection is raised to the submitted design and, on the evidence before me, I have no reason to reach a different conclusion on this matter. However, these considerations do not outweigh the harm that I have identified in relation to the effect of the proposal on the character and appearance of the local area and on flood risk.
19. The Council and interested parties raise additional concerns regarding the living conditions of future occupants, light, access and vehicle parking. These are important considerations, and I have taken into account all the evidence before me. However, given my findings on the first and second main issues, these are not matters on which my decision has turned.

Conclusion

20. Overall, the proposed development would conflict with the development plan. There are no material considerations, including those of the Framework 2024, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR