



Appeal Decision

Site visit made on 4 February 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/M5450/W/24/3348805

33 Warham Road, Wealdstone, Harrow HA3 7JE

- 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 Anila Properties Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/0826/23.
 - The development proposed is described as '2 Storey Attached to No. 33 Wareham Road, alterations to Roof of Existing House, Landscaping and Refuse with Provision of 1No. Off Street Car Parking'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a detached garage; two storey side extension to create a semi-detached (2 bed) dwelling; parking; separate amenity space; landscaping and bin store; alterations and extension to roof and installation of rooflight in side roofslope of existing dwelling and external alterations at 33 Warham Road, Wealdstone, Harrow HA3 7JE in accordance with the terms of the application, Ref PL/0826/23, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.
3. The application form describes the development proposed as provided in the final bullet header above. However, this was altered by the Council to 'the demolition of a detached garage; two storey side extension to create a semi-detached (2 bed) dwelling; parking; separate amenity space; landscaping and bin store; alterations and extension to roof and installation of rooflight in side roofslope of existing dwelling; external alterations'. In making the appeal, this revised description was accepted by the appellant, and I have determined the appeal on this basis, amending the description of the development accordingly in my decision.

Main Issues

4. The main issues are;
 - Whether the site is in a suitable location having particular regard to the Council's spatial strategy in respect of small-scale residential development on garden land;
 - The effect of the proposal on the character and appearance of the area; and

- Whether the proposal would provide acceptable living conditions for future residents, with particular reference to internal room sizes.

Reasons

Location

5. Policy CS1 A of the Harrow Core Strategy 2012 (Core Strategy) provides the growth strategy for the Borough, which seeks to focus development to the Harrow and Wealdstone Intensification Area, town centres and strategic, previously developed sites. The appeal site is outside of these identified areas and is not previously developed land as it forms part of a garden to a residential property in a built-up area. Policy CS1 B also sets out that proposals that would harm the character of suburban areas and garden development will be resisted.
6. Harrow's Supplementary Planning Document: Garden Land Development 2013 (SPD) provides useful guidance on how the Council intends the local presumption against garden development to be applied. One exception to this presumption would be if the proposed development constituted a gap site.
7. The SPD states that gap sites occur only occasionally (because most 'gap' sites have long since been filled in) as an anomalous 'missing piece' from an otherwise clearly defined rhythm of buildings (and spaces around buildings) in the streetscene. It goes on to say that they are usually obvious vacant plots, of dimensions consistent with those prevailing in the street, within an otherwise built-up street frontage. Consideration of the pattern and character of development surrounding the site will enable a distinction to be drawn between genuine gap sites and spurious proposals for development on garden land. Side gardens in spacious residential areas, corner sites and side garages/driveways are provided as examples of the kind of gaps to which this exception does not apply.
8. The site lies in between the northern side of No 33 and the rear garden area of 102 Locket Road and is readily visible from Warham Road. Although No 33 is a 2-storey detached dwelling the prevailing pattern of development unifies the street scene through a rhythm of closely spaced similarly designed semi-detached dwellings. I was also unable to find any other side garden areas along Warham Road on my site visit and consider the site to be located within a dense rather than a spacious residential area. In light of these factors and given its generous plot size it thereby presents an obvious gap in an otherwise built-up frontage.
9. Accordingly, I consider the site to represent a 'gap' site that is an exception to the presumption against garden development. As a result, the proposal would not undermine the Council's spatial strategy for growth. I therefore find the site to be in a suitable location having particular regard to the Council's spatial strategy in respect of small-scale residential development on garden land. As such, there would be no conflict with Core Strategy Policies CS1 A and CS1 B or advice within the SPD.

Character and Appearance

10. The appeal site is of a sufficient size to accommodate the proposed dwelling and a garden area. The proposed dwelling would also be commensurate in its size, scale and design as the adjoining house at No 33 and comparable to the other

semi-detached properties on Warham Road. It would therefore read as 1 half of a pair of semi-detached properties that would sit comfortably within a street that is characterised by similar 2 storey semi-detached houses.

11. Whilst it would clearly infill a gap and reduce the openness of the site, this would not be to a significant degree as a large area of side garden space would remain. It would thereby not appear out of context with the predominant form, design, layout and prevailing pattern of development in the area.
12. I therefore find that the proposed development would not harm the character and appearance of the area. As a result, it would not conflict with Policy D3 of the London Plan 2021 (London Plan), Policy CS1 B of the Core Strategy, and Policy DM1 of the Development Management Policies Development Plan Document 2013 (DMP). No conflict would also arise with the design guidance contained within the Council's Residential Design Guide Supplementary Planning Document 2010.

Living Conditions

13. The proposed dwelling's floorspace mirrors that of the adjoining property at No 33 and appears to be very similar to the other semi-detached dwellings in the locality. The proposed floor plans also show the habitable rooms to be of sufficient width and size to accommodate prescribed furniture with unobstructed access to them. In these circumstances, and in this context, I am unable to find them to be insufficient or to fall so far short of the London Plan's minimum space standards for a 2 bed 3 person dwelling that the resultant accommodation would be unduly small and cramped or would provide an unacceptable quality of life for future occupiers.
14. Accordingly, I find that the proposal would provide acceptable living conditions for future residents, in respect of internal room sizes. As such, there would be no material conflict with the purposes of Policies DM 1 and DM 26 of the DMP. These seek, amongst other things, to provide a satisfactory standard of accommodation, and adequate internal layouts in relation to the needs of future occupiers.

Other Matters

15. The Council has identified that it can demonstrate a five-year supply of deliverable housing land. However, this does not represent a ceiling to new housing development and the government is seeking to significantly boost the supply of new homes.
16. Whilst I appreciate that the SPD was adopted after the previous appeal decision on the site was allowed, I continue to find that the proposed scheme accords with local and national planning policies. In reaching my findings I have also had regard to all of the other appeal decisions referred to me. Nonetheless, on the evidence presented I cannot be certain that they represent a direct parallel to the proposal. Moreover, each application and appeal must be determined on its own merits, and that is what I have done in this case.

Conditions

17. I have considered the conditions suggested by the Council against the tests of paragraph 57 of the Framework and advice in the Planning Practice Guidance: *Use of planning conditions*. In addition to the statutory time limit condition,

I agree that a condition specifying the relevant plans is necessary to provide certainty. A condition relating to the materials of the dwelling is also necessary in the interests of character and appearance.

Conclusion

18. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be allowed.

Mark Caine

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Site Plan Drawing No. PL01, Existing Site Plan Drawing No. PL02, Proposed Ground Floor Plan PL03, Proposed 1st Floor Plan Drawing No. PL04, Proposed Site Plan Drawing No. PL05, Proposed Elevations 1 Drawing No. PL06, Proposed Elevations 2 Drawing No. PL07, Existing Site Plan Drawing No. PL08, Existing Elevations 1 Drawing No. PL09, and Existing Elevations 2 Drawing No. PL10.
- 3) The external materials of the development hereby permitted shall match those used in the existing building at 33 Warham Road.

END OF SCHEDULE