



Appeal Decision

Site visit made on 27 March 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/M5450/W/24/3355929

Land on the south-western side of 39 Bancroft Gardens, Harrow Weald, Harrow HA3 5NA

- 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 Xhensild Berisha against the decision of Harrow Council.
 - The application Ref is PL/2103/24.
 - The development proposed is described as ‘the erection of a new three bedroom end of terraced house’.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the spelling of the appellant’s name from the appeal form, rather than the application form, as that is consistent with some other documents including the title register.
3. In December 2024, after the Council issued its decision, a new version of the National Planning Policy Framework was published (‘the Framework’). It is that version that I refer to in my reasoning.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would comply with the area’s spatial strategy.

Reasons

Character and appearance

5. The properties in Bancroft Gardens are mostly terraced, with a locally distinctive and very cohesive two storey, flat-roofed form and style, and are predominantly arranged around a communal green. At the entrance to the estate, on either side of the road, are a pair of semi-detached houses whose style and form broadly reflect the terraces beyond.
6. Both those semi-detached pairs are separated from the apartment blocks on the corner with Augustine Road. The appeal site comprises a strip of land between the semi-detached house at No 39 and one of those blocks. It is currently occupied by a small disused garage and an area of hardstanding.

7. Compared to those semi-detached pairs, the apartment blocks are in a markedly contrasting style, with a much taller front face which includes extensive tiling above their first floor windows, a much greater depth, and a long monopitch roof which slopes down to the rear. In the wider area, I observed that where the style and form of neighbouring properties differ, there is typically a gap between them.
8. The scheme's height and flat roof would match No 39. However, it would fill the gap between that house and the adjacent apartment block, resulting in one long terrace. Given their markedly different form and appearance, the scheme would result in a very awkward junction between these two currently separate buildings.
9. In particular, its flat roof would abut the side wall of the much taller apartment block, resulting in an incongruous appearance in the streetscene viewed from in front of the site, and from the north-east around the front of 34 to 37 Bancroft Gardens, where its flat roofed rear projection would jar with the style and form of the adjoining sloping roof. Additionally, whilst the proposed facing materials would be mixed to match the neighbouring buildings, the style and pattern of its windows would not fully reflect either property.
10. The overall result would be a rather eclectic development, which would not successfully bridge the space between these two markedly different buildings, and the infilling of this gap would be at odds with the rhythm and pattern of development in the area. Thus, it would compare unfavourably with the two storey side extension which was previously permitted on this plot¹, and which reflected the style, form and proportions of No 39, whilst leaving a gap to the side.
11. The appellant and the Council disagree with regards whether or not the site comprises 'garden land'. However, the Harrow Garden Land Development Supplementary Planning Document 2013 includes hardstandings, outbuildings and other structures located on garden land in its definition, along with any land that formed part of a garden but which has been legally and/or physically severed from the donor property. In that context, I agree with the Inspector who dismissed a previous proposal for a dwelling here², that it is garden land.
12. However, irrespective of whether or not I am correct in that conclusion, the site does not form an anomalous gap in the street frontage, and for all the above reasons the scheme would cause significant harm to the character and appearance of the area.
13. As a result, it would conflict with Harrow Core Strategy (2012) ('HCS') Core Policy CS 1 Part B which resists proposals that would harm the character of suburban areas, including garden development. It would also conflict with London Plan (2021) Policies D3 and D6, and Harrow Development Management Policies (2013) Policy DM 1. Amongst other things, and in general terms, these require a high standard of design, which responds positively to local character and distinctiveness, and to the site's context, having regard to matters such as massing, bulk, scale, height, detailing, shape, form, proportions and spacing.
14. It would also conflict with the Framework requirement for high quality design which is sympathetic to local character, along with the similar stance in the Harrow Residential Design Guide Supplementary Planning Document (2010).

¹ Ref: P/3834/18

² APP/M5450/W/18/3196206

15. Finally, it would conflict with the requirements for a high standard of design which respects the character, context and amenity of the locality, in Policies GR1, GR10 and HO2 of the Harrow Local Plan 2021 – 2041 (Proposed submission version) (2024), although, as it forms no part of the development plan, I attach only very limited weight to those policies.

Spatial strategy

16. HCS Core Policy CS 1 Part A sets out the overall spatial strategy for managing growth in Harrow. It directs the focus of regeneration and housing to the Harrow and Wealdstone Intensification Area, with other growth largely directed to town centres and strategic previously developed sites.
17. Whilst this site is in a suburb and does not fall within any of those areas, as Policy CS 1 Part A does not prevent development in such locations, there would be no conflict with it. Additionally, although I have found that this proposal on this site would be unacceptable on other grounds, having regard to the broad principle of housing in the area, I see no conflict with the Framework's approach. The proposal would not therefore conflict with the overall spatial strategy for the area.

Other matters

18. Although the appellant states that the site is 'previously developed land', the Framework's definition excludes land such as this in built up areas. The Design and Access Statement lists the scheme's energy and sustainability credentials, along with environmental benefits, but I cannot with any certainty, conclude whether or not regulatory requirements would be exceeded. He continues that it would make efficient use of a neglected space which, since it was separated from No 39, attracts anti-social behaviour. However, I have limited evidence of that, and I am not persuaded that this scheme is the only way in which it could be addressed.
19. Although he references potential development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 should the appeal be dismissed, I have no details before me to assess whether or not such a scheme would be permitted development, nor what its visual impact would be. I therefore attach no weight to that claimed fallback.
20. The scheme would contribute to the supply of housing, in accordance with various development plan and Framework policies. However, as just a single dwelling would be delivered, I attach limited weight to that benefit.

Planning Balance and Conclusion

21. Summing up, I have found that the scheme would not conflict with the overall spatial strategy, but that it would cause significant harm to the area's character and appearance. Its limited benefits would not outweigh the harm that it would cause. Consequently, having regard to all other matters raised, including a representation from a local resident, the appeal is dismissed.

Chris Couper

INSPECTOR