



Appeal Decision

Site visit made on 02 July 2025 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/M5450/W/25/3362845

Land rear of 101-105 Eastcote Lane, Harrow HA2 8RN

- 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 Ruben properties Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/2663/24.
 - The development proposed is described as the construction of a single storey bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey bungalow at Land rear of 101-105 Eastcote Lane, Harrow HA2 8RN in accordance with the terms of the application, Ref PL/2663/24 subject to the conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. The description above is taken from the application form, omitting the address of the appeal site which is recorded separately. The decision notice refers to other elements of the scheme which I have taken into account. For the sake of accurately describing the development to which the appeal relates, the above is sufficient and my use of it would not prejudice any party from being able to make their case in regard to the appeal scheme. The main issue in regard to which is its effect on the character and appearance of the area with specific regard to its principle and trees.

Reasons for the Recommendation

4. The appeal site is a plot of land to the rear of three terraced properties on Eastcote Lane. There is an existing track that runs alongside Number 105 to provide access. It is currently used for parking. The land is bordered by other residential gardens and a cemetery. There are mature trees within it and on abutting sites. There is an enclosed feel to the appeal site. The immediate area is mainly frontage residential development of varying types and designs, mostly two storey semi and detached units with some bungalows. It is densely developed, open space of the cemetery aside and there are instances of groupings of buildings set back from the road frontage with back land examples not uncommon.

5. Policy CS1 of the Core Strategy 2012 (CS) explains, amongst other things and seeking to ensure that development is of a high quality design that responds to and respects its context, that proposals that would harm the character of suburban areas and garden development will be resisted. The Garden Land Development Supplementary Planning Document 2013 (SPD) goes on to set out what is meant by garden land.
6. The appeal site does not appear to be the garden of houses, flats or maisonettes in either the singular or cumulative. It is exclusive of the curtilages of 101-105 Eastcote Lane. It is not related to, nor does it appear to provide a communal garden(s) for a block of flats. There is nothing to suggest that any of these were historically the case. It does not look to have been severed. The appeal site could be functionally linked to the residential operation of the dwellings in its use as parking therefore, but it does not appear to be so to their residential gardens specifically. The SPD requires this. It is also clear that the functional link relates solely to provide residential amenity. Which the appeal site does not appear to do. The insertion of 'and' in the final criteria of paragraph 3.1 means that it has to be both.
7. I accept that the SPD's definitions are not exhaustive, and the appeal site does not appear to sit squarely with its definition of what is not garden land. That said, the SPD itself sets out there may be some degree of judgement as to what might be. With this, the context I have set and my findings above in mind which relate to the specific circumstances of the case, I remain to be convinced that the appeal scheme would represent the development of garden land.
8. The proposed dwelling would be situated within a not unusual back land position. It would be at the end of the row of properties alongside the cemetery and would sit comfortably in scale and siting terms between the existing development. Plots and dwellings within the area are greatly mixed in their size and precise location with no strict uniformity. The dwelling may be smaller than some of the closest properties but the variety in scale in the wider area, coupled with the lack of uniformity for plot sizes, would ensure the proposal would not be unduly cramped.
9. The appeal is supported by an arboricultural impact assessment and method statement. Given that the reason for refusal refers to a lack of information, I am comfortable to accept it and consider the report as part of the appeal and that no party would be prejudiced as a result. This would realistically be the only way for the appellant to seek to address the relevant reason for refusal. The proposals would retain most of the trees on site and only remove some lower quality examples. The report also includes methods for the protection of the remaining trees which could be secured via planning condition. I am comfortable that the proposed development would therefore not cause harm to the mature trees that contribute positively to the appeal site's verdant setting.
10. With this and the above in mind, the proposed development would be acceptable in principle in not causing harm to the character or appearance of the area. Such that it would comply with the relevant requirements of Policy CS1 of the CS and the accompanying SPD as I have set them out and Policies DM22 of the Harrow Council Development Management Policies 2013 and G7 of the London Plan 2021 which are concerned with development not causing harm to character and the contribution of trees to a site amongst other things.

Other Matters

11. Land ownership details were accepted by the Council in good faith at the time of the application. Any incorrect information relating to ownership or a blocking of a right of way is therefore a civil matter that can be pursued separately. Aside from this, I am comfortable that the proposal would not cause harm to the living conditions of the occupants of the closest properties with regard to privacy or light for the same reasons that led the Council to their conclusions, resulting in them not being contentious matters in the appeal.
12. Subject to some exceptions of which the proposal does not meet, every grant of planning permission is deemed to have been granted subject to the biodiversity gain objective. The objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
13. A Biodiversity Net Gain (BNG) calculation report has been provided detailing the pre-development habitat value and confirming that the proposed onsite provisions would be unable to meet the 10% gain required by legislation. It would generally be inappropriate for decision makers, when determining a planning application for a development which is subject to BNG, to refuse it on the grounds that the biodiversity gain objective would not be met. In this case, the objective would not be met on site, and it is the responsibility of the appellant to consider offsite biodiversity gains or statutory biodiversity credits through the submission of a biodiversity gain plan. From what has been submitted with the appeal documents however, I am satisfied they have established what they need to under the relevant legislation for a planning permission to be granted.

Conditions

14. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for certainty and enforcement purposes. Given the location of the site off Eastcote Lane, the living conditions of neighbouring occupiers and to satisfy development plan requirements, a pre-commencement condition is required for the submission of a construction method statement. A similar condition would be required, in the interests of the proper functioning of the appeal scheme, for a surface water drainage system. The condition would also need to be pre-commencement to allow any percolation testing as required to take place and to ensure that the required systems are incorporated into the scheme.
15. A compliance condition would be required to ensure that works take place within the recommendations of the arboricultural report. In the interests of the character and appearance of the area, a condition relating to the agreement of materials is necessary. I see no reason why these are required pre commencement and have therefore set out that they are submitted prior to any development above slab level. A condition is also necessary to secure the hard and soft landscaping of the site and implement the details on site prior to occupation of the dwelling in the interests of a high-quality development.
16. The Council have suggested a condition relating to a fire safety statement prior to the commencement of development. However, I am comfortable that for one dwelling, these safety measures would be covered under separate legislation and

therefore the condition would not be necessary. The same can be said for the disposal of foul water at the property. Similarly, the Council have requested a condition that would remove permitted development rights; however I have no evidence before me to suggest that such a condition would be reasonable.

17. A condition has been suggested requiring the appellant to submit evidence of Secure by Design accreditation, but the consultee comments confirm that the proposed development would meet all the criteria with the exception of a front gate that can therefore be included as part of the hard landscaping details. Such a condition would not therefore be necessary. The approved plans show the position of a proposed bicycle store which only has a small footprint tucked to the rear of the site. Elevations of the small storage space are not therefore required given that there are permitted developments available for such installations within reasonable limits, taking into account the scale of the proposed development.

Conclusion and Recommendation

18. For the reasons given above, the appeal scheme would comply with the development plan. I therefore recommend the appeal be allowed, subject to the conditions listed in the attached schedule.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions in the schedule.

John Morrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 02 revision A, 03 revision A and 04 revision A,
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) a scheme for recycling/disposing of waste resulting from construction works;

The approved CMS shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until details of a scheme for the management of surface water at the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first occupation of the dwelling hereby permitted.
- 5) No development shall take place until the protective measures detailed in the arboricultural method statement (section 7.0) of the Arboricultural Impact Assessment and Method Statement (AIAMS) compiled by Allarboriculture and dated 21 February 2025 have been put in place. They shall be retained and the approved AIAMS shall be adhered to throughout the construction period for the development hereby permitted.
- 6) Notwithstanding the plans hereby approved, no development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Notwithstanding the plans hereby approved, the dwelling hereby permitted shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) A planting plan showing schedule of plants, species, sizes and proposed numbers;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) boundary treatments,
 - iv) hard surfacing materials and
 - v) storage and disposal details for refuse.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied and retained thereafter.