



Appeal Decision

Site visit made on 19 February 2026

by **B. Johnson BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2026

Appeal Ref: APP/M5450/W/25/3376565

16 Elms Road, Harrow Weald, Harrow HA3 6BQ

- 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 Aquabuild Limited against the decision of the London Borough of Harrow.
 - The application reference is PL/2606/24.
 - The development proposed is described as Demolition of the existing vacant dwelling and erect a three storey flatted development comprising 2 x 2-bed 3-person, 2 x 1-bed 2-person and 2 x 1-bed 1-person flats with associated parking, refuse storage, cycle storage and amenity.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing vacant dwelling and erect a three storey flatted development comprising 2 x 2-bed 3-person, 2 x 1-bed 2-person and 2 x 1-bed 1-person flats with associated parking, refuse storage, cycle storage and amenity, at 16 Elms Road, Harrow Weald, Harrow HA3 6BQ in accordance with the terms of the application reference PL/2606/24, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development was revised by the Council during the application determination period. No explicit proof of the appellant's agreement to the revision has been provided, therefore I have determined this appeal based on the original description, which I consider is an accurate description of the development sought by the appellant.
3. Since the determination of the planning application, the Council have adopted the London Borough of Harrow Local Plan 2021-2041 (March 2026) (the Local Plan) which supersedes the Harrow Core Strategy (February 2012) and the Harrow Development Management Policies (July 2013) documents referenced within the decision notice. The parties have been provided with an opportunity to comment on the newly adopted policies and I have had regard to these responses in my decision. I have therefore determined the appeal on the basis of the newly adopted policies.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide acceptable living conditions for future occupants, with regard to outdoor amenity space; and

- the effect of the proposal on biodiversity at 16 Elms Road.

Reasons

Character and appearance

5. The appeal site is located on the corner of Elms Road and Twickenham Gardens. The detached 2 storey dwelling and garden lies within a residential area, close to local shops and transport links. At the time of my site visit, the site was vacant and in a poor state of repair, with evident damage to the existing dwelling and an overgrown garden.
6. The appeal proposes the demolition of the existing dwelling and the erection of a 3 storey flatted residential block comprising 6 flats, with the principal elevation fronting Elms Road. The proposal also includes outdoor amenity space for use by future occupiers, and parking spaces for cars and cycles.
7. Elms Road is characterised by large detached residential dwellings set back from the road with generous front gardens/paved areas. Building heights along the road are broadly consistent, although there is variation in terms of building widths and depths, building lines, architectural style and materials. Twickenham Gardens has a pattern of 2 storey semi-detached dwellings, with some detached dwellings located near the appeal site.
8. The proposed building would broadly accord with the building heights, widths and lines along Elms Road, although it would be markedly deeper than the other buildings. As a result, the building would have a greater massing effect than others in the area, including the dwelling on the opposite side of Twickenham Gardens. The removal of vegetation along the Twickenham Gardens frontage would make the proposed building and rear garden more visible within the wider streetscene, although the site topography, sloping downhill along Twickenham Gardens, would reduce the visual effect of the increased massing.
9. As the site is a corner site with two street facing elevations, and the proposed building would be set back from both elevations at a reasonable distance, this would also limit harmful visual impacts of the greater massing and avoid it being overbearing on properties along Elms Road and Twickenham Gardens. The proposed fenestration on the front and side elevations would also help to break up the massing and reduce the impact of the deeper building.
10. Although large rear gardens are a common feature of the surrounding area, they would not be a defining characteristic, and there are examples of properties with smaller gardens in proximity to the site. Therefore, the creation of a smaller, subdivided garden in this instance would not be incongruous or result in material harm to the character or appearance of the locality. While the gardens would be more visible than typical private rear gardens in the vicinity given the site's corner location, any resulting visual impact would be limited and could be appropriately mitigated through the use of suitable boundary treatments, secured by condition.
11. In terms of architectural style, the proposal would sit well with the range of styles evident in the local area. The roof design, with the introduction of front gable ends, mirrors elements from other dwellings in the area and would provide additional visual relief by breaking up the building's mass.

12. The Council has drawn my attention to a previous dismissed appeal at 16 Elms Road dated November 2021, with regard to the approach taken to the depth, bulk, scale and siting of the proposed building. The inspector in this case concluded that the proposal would be harmful to the character and appearance of the area in relation to these matters. However, this appeal involved a greater quantum of development than the current proposal, comprising a flatted block and semi-detached houses. It also proposed buildings with larger dimensions than the current appeal. These are notable points of difference with the current appeal and consequently, the previous decision only has very limited weight in my determination of this appeal.
13. In conclusion, the proposal would not have a detrimental effect on the character and appearance of the area and would therefore be in accordance with Policies GR1 and GR2 of the Local Plan and Policy D3 of the London Plan (March 2021) (the London Plan). These policies together seek a high standard of design and layout for new development proposals, which includes requirements relating to local context, and consideration of various aspects of design including massing, bulk, scale, height, siting, spacing and appearance.
14. The proposal would also be consistent with section 12 of the National Planning Policy Framework (December 2024) (the Framework), which aims to achieve well-designed places; and the Residential Design Guide Supplementary Planning Document (SPD), which sets out design guidance for new residential development including that development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character.

Outdoor amenity space

15. The proposal includes private outdoor amenity space for each flat. Flats 1 and 2, located on the ground floor, would each have direct access to a private outdoor amenity space to the rear of the properties. Flats 3 to 6 would each have access to private outdoor amenity space at the rear of the site, near the rear parking area and accessed via Twickenham Gardens.
16. The detached nature of the proposed outdoor amenity spaces for Flats 3 to 6 means they cannot be accessed directly from the flats. However, these spaces would still be functional, convenient and of an appropriate quality, as they are only a very short walk from the properties via a public, well-lit route. There is no evidence before me that shows that future occupiers would be unlikely to use these spaces.
17. The appellant states that the outdoor amenity spaces for Flats 3 to 6 will be formally subdivided via the installation of boundary fencing. This is not evident from the plans before me, although the design and access statement does provide details of the quantum of private amenity space to be provided for each flat. Based on the information provided, I am satisfied that private amenity space would be provided for each flat, and that the layout and boundary fencing can be controlled through condition.
18. Notwithstanding this, even if the outdoor amenity space was provided as communal space without subdivision, such space would also be consistent with relevant Development Plan policies and would ensure that Flats 3 to 6 have access to functional, convenient outdoor space.

19. The submitted block plan identifies part of the proposed rear garden space as private land and communal garden space. However, this minor labelling conflict does not give rise to concerns about the deliverability of the proposed outdoor amenity spaces, as other documents and plans give a clear indication that the spaces would be delivered. A condition could be imposed to give certainty in this regard.
20. In conclusion, the proposal would provide acceptable living conditions for future occupiers with regard to outdoor amenity space. It would therefore be in accordance with Policy GR1 of the Local Plan, and Policy D3 of the London Plan. These policies together seek provision of an appropriate level of amenity space in terms of both quality and quantum, having regard to local context and other criteria including layout, orientation and privacy. The proposal would also accord with Policy HO1 of the Local Plan, through the provision of outdoor amenity space that would assist in providing an acceptable living environment for families.
21. The proposal would also be consistent with section 12 of the Framework, which states that planning decisions should ensure that developments, amongst other things, function well and create places with a high standard of amenity for future users.

Biodiversity

22. The proposal would involve the loss of biodiversity on the site, including the removal of several trees at the rear of the property and along the site boundary on Twickenham Gardens. The proposed front garden and part of the proposed rear garden include the replacement of planted areas with hardstanding.
23. The appeal is accompanied by an Arboricultural Impact Assessment Method Statement & Tree Protection Plan, which sets out which trees will be retained and details of how these trees will be protected during any construction works. However, there are limited details regarding any further on-site biodiversity features that would be delivered as part of the proposal.
24. The proposal would be subject to the statutory biodiversity net gain requirements, which means that the statutory condition would apply to any approval, requiring the appellant to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. However, there is no guarantee that this net gain would be achieved through on-site measures, as the requirement allows the required increase to be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
25. Planning Practice Guidance (PPG) on biodiversity net gain states that it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met. However, decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. The PPG gives examples of matters for consideration in such circumstances, including whether there would be an appropriate balance between onsite gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy.

26. Taken into account the information submitted with the appeal, including technical reports and plans, I am satisfied that there is scope for the appellant to successfully discharge the statutory condition, including through delivery of biodiversity measures on-site.
27. In conclusion, the proposal would lead to a net loss of biodiversity at 16 Elms Road and does not set out information to demonstrate how this net loss would be mitigated. The proposal would therefore not be in accordance with Policy GI3(G) of the Local Plan, which, amongst other things, requires development to follow the ecological mitigation hierarchy which prioritises on site mitigation measures; and to submit a Biodiversity Gain Plan which clearly identifies how the development will minimise harm and maximise biodiversity gain.
28. However, the proposal would be in accordance with Policy G6 of the London Plan, which requires proposals to manage impacts on biodiversity and aim to secure net biodiversity gain, informed by the best available ecological information and addressed from the start of the development process.
29. The proposal would also be consistent with paragraphs 186 and 193 of the Framework, which seek to minimise impacts on and provide net gains for biodiversity, and mitigate any significant harms that would result from development.

Other Matters

30. The proposal accords with policies in the Development Plan and the Framework which encourage the supply of new housing, state that small sites can make an important contribution to housing delivery and promote and support the development of under-utilised land and buildings. As a result, I ascribe moderate weight to the provision of five net additional homes.
31. Objections to the application raised concerns about impacts from construction, increases in traffic and parking pressure in the area and the associated impact on emergency service access, increases in noise and disturbance, and issues with waste collection.
32. With regard to impacts from construction and waste collection issues, there is no evidence to suggest that the proposal would lead to adverse impacts. Notwithstanding this, any impacts that do arise can be appropriately dealt with through planning conditions.
33. The proposal includes 5 vehicle parking spaces which accords with relevant Development Plan policies. There is no evidence before me that the proposal would cause additional parking pressure in the area, and as a result there is also nothing to suggest that future access by the emergency services would be affected. If additional parking pressures were to occur, this is a matter that could be dealt with through local highways powers.
34. With regard to noise and disturbance, the proposal would increase the amount of people living at the site, although the level of comings and goings as a result of this increased occupation would be unlikely to cause noise and disturbance impacts. The proposed building is set back from the site boundaries, thereby reducing impacts on adjacent properties, and access to the proposed dwellings would be via the main elevation which is the same arrangement as the current building and other properties on Elms Road. While the proposed parking spaces are located on the

side boundary edge, they are a reasonable distance from nearby properties, which would prevent harmful noise and disturbance impacts, for example from slamming car doors.

35. The Council has drawn my attention to an appeal decision and Court of Appeal case at 26 Highland Road, Northwood, and an appeal decision at 42 Marlborough Hill, Harrow. However, the Council has not given any specific reasons why these cases are considered to be relevant to the current appeal. Therefore, they have not formed part of my determination in this case.

Conditions

36. The Framework in paragraph 57 indicates that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
37. The Council has suggested conditions and I have considered these in relation to the Framework and the PPG, amending where necessary in the interests of consistency, precision and enforceability (including merging some conditions).
38. The standard commencement condition and the plans condition are imposed to provide certainty. I have made amendments to several drawing titles and documents in the Council's suggested condition, for the avoidance of any doubt on which plans/documents are approved. I have also removed reference to the application form and CIL form from the Council's suggested list of documents, as it is not necessary to reference these documents.
39. A pre-commencement condition requiring the submission and approval of a construction traffic management plan is necessary to minimise the impacts of construction at the site and in the surrounding area. The scheme needs to be submitted and approved before development commences, as the commencement of development itself may involve construction activity. The appellant has agreed to this condition. I have removed tailpiece wording from the Council's suggested condition wording as this could potentially allow changes to be made to the development without proper scrutiny, and therefore it is not reasonable.
40. Conditions relating to approval of materials and boundary treatments are necessary to mitigate adverse impacts on character and appearance. I have amended the condition trigger from the Council's suggested wording for the materials condition - from pre-commencement to above ground level works - as a pre-commencement condition is not necessary. I have amended the suggested boundary treatments condition to include specific reference to boundaries relating to future subdivisions of the outdoor amenity space, in order to ensure the condition is effective.
41. A condition relating to landscaping is necessary to mitigate adverse impacts on character and appearance. I have amended the Council's suggested wording to remove reference to tree planting and hedge planting which does not correlate with any submitted plans and therefore is not necessary or relevant to the development being permitted. I have also removed tailpiece wording from the Council's suggested wording as this is not necessary.
42. A condition relating to details of surface water drainage and foul sewage drainage is necessary to ensure that the development has appropriate drainage facilities and mitigates flood risk impacts.

43. A condition relating to site levels is necessary to provide clear information and ensure that any works are carried out at suitable levels in relation to the highway and adjoining properties. The Council's suggested wording was for this condition to be pre-commencement, but this is not necessary. I have amended the condition trigger to allow demolition works to take place prior to the condition being discharged.
44. A condition requiring submission of a refuse storage strategy is necessary to ensure that each flat has adequate refuse facilities.
45. A condition requiring the submission of a fire strategy is necessary to ensure compliance with development plan policy and that appropriate fire safety measures are delivered. The Council's suggested wording was for this condition to be pre-commencement, but this is not necessary. I have amended the condition trigger to allow demolition works to take place prior to the condition being discharged. I have also amended other wording in the interests of enforceability.
46. A condition relating to the implementation of cycle storage is necessary to assist with measures to promote sustainable transport. The Council's suggested wording refers to a plan which is not contained within the suite of plans or documents provided with the appeal, therefore I have amended the plan reference to ensure the condition is effective.
47. A condition relating to the use of the vehicle parking facilities is necessary to ensure that the development delivers appropriate levels of parking.
48. A condition requiring the submission of a tree protection plan is not necessary. A tree protection plan has been submitted with the appeal as part of the Arboricultural Impact Assessment Method Statement & Tree Protection Plan document, and a condition is imposed to ensure that the development would be carried out in accordance with this document. I note that the Council's delegated report includes comments from the tree officer who indicates that the submitted document and the measures contained within it are acceptable.
49. The Council has suggested a condition requiring details relating to solar PV panels. However, it is not evident from the appeal documentation that such panels are intended to be provided, as they are not shown on any plans and the application form indicates that the proposal will not include solar energy of any kind. The condition is therefore not necessary or relevant to the development.
50. The Council has suggested a condition that would remove specific Permitted Development (PD) rights within Schedule 2, Parts 1, 2, 3 and 20 of the Town and Country Planning (General Permitted Development) Order 2015. Paragraph 55 of the Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. Clear justification has not been provided for the proposed condition and therefore it is not necessary or reasonable.
51. I have not imposed a condition requiring Secured by Design certification as it has not been demonstrated why this is necessary or relevant to the development being permitted.

52. A condition requiring the submission of a Biodiversity Net Gain Plan is not necessary as it duplicates the statutory condition imposed through planning legislation.

Conclusion

53. While I have found there would be conflict with local policy relating to biodiversity, the proposal accords with other policies in the Development Plan and would be consistent with the Development Plan read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the Development Plan. I therefore conclude the appeal should be allowed.

B. Johnson

INSPECTOR

Schedule of 12 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 the following approved plans and documents:
 - Drawing title PR23-066a - Existing Floorplan
 - Drawing title PR23-066b - Existing Elevations
 - Drawing title PR23-066c - Existing Site Plan
 - Drawing title PR24-057d - Proposed GF Plan Flat 1 & 2
 - Drawing title PR24-057e - Proposed First Floor and Loft Plan
 - Drawing title PR24-057g - Proposed Front and Rear Elevations
 - Drawing title PR24-057h - Proposed Side Elevations
 - Drawing title PR24-057i - Proposed Roof Plan Proposed Section A and B
 - Drawing title PR24-057j - Proposed Block and Location Plan
 - Drawing title PR24-057k - Proposed Floor Plans
 - London Interiors; Design and Access Statement 16 Elms Road Harrow Weald HA3 6BQ; prepared by EH for London Interiors Ltd, July 2023
 - Trevor Heaps Arboricultural Consultancy Ltd; Arboricultural Impact Assessment Method Statement & Tree Protection Plan (to BS:5837 2012) for 16 Elms Road, Harrow Weald, Harrow HA3 6BQ; Prepared for Aqua Build Ltd; Prepared by Trevor Heaps BSc, MICFor, M. Arbor. A; Ref: TH 2583/D; Dated 20th October 2022
 - Ambiantal Environmental Assessment; Surface Water Drainage Strategy – 16 Elms Road, Harrow Weald, HA3 6BQ; Ref 5973; Dated 12/01/2020
 - T16 Design; 16 Elms Road, Harrow Weald, HA3; Daylight and Sunlight Assessment; Job No: 5098, Issued July 2023, Issue No.1
 - Arbtech; Baseline Habitat Condition Assessment (BHCA); Survey site: 16 Elms Road, Harrow Weald, Harrow, HA3 6BQ; Client: Aqua Build Ltd; Survey Date 7th February 2025
 - Reasonable Exception Statement
- 3) No development shall take place, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. This must include (but is not limited to):
 - a) Parking of vehicles of site operatives/visitors;
 - b) HGV access to site – loading and unloading of plant and materials;
 - c) Number of HGV's anticipated;
 - d) Storage of plant and materials used in constructing the development;
 - e) Programme of work and phasing;
 - f) Site layout plan;

- g) Highway condition (before, during, after);
- h) Measures to control dust and dirt during construction;
- i) Loading/unloading arrangements;
- j) Number and types of vehicles anticipated for each phase of works;
- k) Any temporary traffic management requirements e.g. parking bay suspensions; and
- l) Vehicle tracking drawings if any large HGV's will be entering/exiting the site.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

- 4) No development above ground level (other than demolition works) shall take place until details of the materials to be used in the construction of the external surfaces of the building (including but not limited to facing materials for the building and roof, including down pipes; and windows and external doors) have been submitted to, and approved in writing by, the local planning authority. Samples of materials to be used shall be made available to view on site.

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

- 5) The development hereby permitted shall not begin (other than demolition works) until works for the disposal of sewage, the disposal of surface water, and surface water attenuation and storage have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.
- 6) The development hereby permitted shall not begin (other than demolition works) until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved in writing by, the local planning authority.
- 7) The development hereby permitted shall not begin (other than demolition works) until a Fire Safety Statement has been submitted to, and approved in writing by, the local planning authority. This statement shall include details of how the development will:
- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on, and b) appropriate for use as an evacuation assembly point.
 - 2) be designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire, including appropriate fire alarm systems and passive and active fire safety measures.
 - 3) be constructed in an appropriate way to minimise the risk of fire spread.
 - 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users.
 - 5) develop a robust management strategy for evacuation which is to be periodically updated and published. Details of how often this management strategy is to be reviewed and published should be included in the statement.
 - 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The development shall be carried out in accordance with the approved statement and shall thereafter be retained.

- 8) The development hereby permitted shall not be occupied until a scheme for the hard and soft landscaping details for the ground level areas has been submitted to, and approved in writing by, the local planning authority. Soft landscaping works shall include:
- planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme.
 - Screening of the bin collection point with soft landscaping.

The hard surfacing details shall include detailed specification or samples (to be made available to view on site) to show the texture and colour of the materials to be used and information about their sourcing/manufacture.

The development shall be carried out in accordance with the approved scheme and shall thereafter be retained.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species.

- 9) The development hereby permitted shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected (including boundary treatments relating to the subdivision of the rear outdoor amenity space) has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.
- 10) The development hereby permitted shall not be occupied until a refuse storage strategy has been submitted to, and approved in writing by, the local planning authority. The strategy shall ensure that each dwelling has individual on plot refuse storage. The development shall be carried out in accordance with the approved strategy and shall thereafter be retained.
- 11) The development hereby permitted shall not be occupied until cycle storage space has been laid out within the site in accordance with drawing title PR24-057k for 7 bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.
- 12) The proposed vehicle parking spaces shall be used only for the parking of private motor vehicles (and domestic storage if appropriate) in connection with the use of each dwelling and for no other purpose.

End of schedule