

Quarterly (Calendar Year) Appeals Report

The Planning Service has received the following Appeal Decisions between October 31st 2022 and December 30th 2022.

Summary of Appeal Decisions:

Item	Site Address	Planning Reference	Description of Development	Decision Type	Status and Costs
1	37 Oakington Avenue, HA2 7JQ	Appeal Ref: 3297296 LPA Ref: P/4607/21	Conversion of dwelling to mixed use of dwelling (use class c3) and physiotherapy clinic (use class e) single storey side extension; single storey rear extension; double sided hip to gable roof extensions two rear dormers external alterations.	Delegated Refusal on 02.02.2022	Dismissed 31.10.2022
2	18 Paines Close, Pinner, HA5 3BN	Appeal Ref: 3301294 LPA Ref: P/0453/22	Single storey side infill and single storey rear extension; alterations to roof to form end gable and rear dormer; installation of two rooflights in front roofslope.	Non-determination	Allowed 28.12.2022
3	1 Earls Crescent, HA1 1XL	Appeal Ref: 3295600 LPA Ref: P/3850/21	Retention of existing dwelling house and construction of new single storey dwelling within rear garden. Subdivision of garden and two new cycle storage sheds. Demolition of existing garden shed. Alterations to fencing and to parking area to ensure provision for off road parking for three vehicles.	Delegated Refusal on 18.11.2021	Dismissed 31.10.2022
4	23A Radnor Avenue, HA1 1SB	Appeal Ref: 3299797 LPA Ref: P/4411/21	Alterations to roof to form end gable rear dormer insertion of two rooflights in front roofslope and window in side of end gable to create additional three bedrooms to first floor flat (1 x 4 bed).	Delegated Refusal on 23.12.2021	Dismissed 07.11.2022
5	24 Cavendish Drive, Edgware, HA8 7NS	Appeal Ref: 3303468 LPA Ref: P/1081/22	Single and two storey side extension; single and two storey rear extension; first floor front extension; alterations and extension to raise roof height to create habitable roofspace; external alterations (demolition of detached garage).	Delegated Refusal on 01.06.2022	Dismissed 07.12.2022
6	41 Weald Rise, HA3 7DQ	Appeal Ref: 3267569 LPA Ref: ENF/0275/16/P	Material Change of Use of Land to use as four flats.	Withdrawn	Withdrawn 07.12.2022
7	70 Uxbridge Road, Stanmore, HA7 3NQ	Appeal A: 3291935 LPA Ref: P/2585/21	Redevelopment to provide two-storey building with habitable roofspace comprising of eight flats (6 x 1 bed and 2 x 2 bed); landscaping; bin and cycle stores (demolition of existing dwelling and outbuilding).	Committee Refusal on 23.02.2021	Appeal A Allowed: 07.12.2022 Costs Award Refused 07.12.2022

		<p>Appeal B: 3299939</p> <p>LPA Ref: P/0337/22</p>	<p>Redevelopment to provide two-storey building with habitable roofspace comprising of eight flats (6 x 1 bed and 2 x 2 bed); landscaping; bin and cycle stores (demolition of existing dwelling and outbuilding).</p>	<p>Committee Refusal on 02.02.2022</p>	<p>Appeal B Allowed: 07.12.2022</p> <p>Costs Award Refused 07.12.2022</p>
8	<p>274-278 Northolt Road, HA2 8EB</p>	<p>Appeal Ref: 3289938</p> <p>LPA Ref: P/3978/20/PRIOR</p>	<p>Additional two storeys (height 6.5M) of development containing 8. Flats on an existing terraced commercial or mixed-use building - maximum overall height 16.86 M (prior approval of transport and highways impacts; air traffic and defence asset impacts;</p>	<p>Delegated Refusal on 17.11.2020</p>	<p>Appeal Allowed 07.12.2022</p> <p>Costs Award Allowed 07.12.2022</p>
9	<p>53 Suffolk Road, Harrow HA2 7QF</p>	<p>Appeal Ref: 3303763</p> <p>LPA Ref: P/0940/22</p>	<p>Single storey front extension incorporating porch; single and two storey side to rear extension; single storey rear extension; alterations and extension to roof; rear dormer; rooflights in front and both side roofslopes; external steps at rear; extension.</p>	<p>Committee Refusal on 03.05.2022</p>	<p>Appeal Dismissed 30.12.2022</p> <p>Costs Award Refused 30.12.2022</p>
10	<p>Marlborough House, 159 High Street, Harrow, HA3 5DX</p>	<p>Appeal Ref: 3292680</p> <p>LPA Ref: P/4032/21/PRIOR</p>	<p>Demolition of Existing Buildings And Construction of A Four To Six Storey Building Containing 33 Flats (Prior Approval Of Transport And Highways Impacts; Contamination Risks; Flooding Risks; The Design Of The New Building;</p>	<p>Delegated Refusal on 04.10.2022</p>	<p>Appeal Allowed 02.12.2022</p> <p>Costs Award Allowed 02.12.2022</p>
11	<p>Stanmore and Edgware Golf Centre, Brockley Hill, Stanmore, HA7 4LR</p>	<p>Appeal Ref: 3299650</p> <p>LPA Ref: P/3088/20</p>	<p>Demolition of existing golf club buildings and construction of a single and two storey building for a banqueting facility; widening of existing vehicular access from brockley hill car and cycle parking waste/recycling storage landscape enhancement and associated works.</p>	<p>Committee Refusal 07.03.2022</p>	<p>Appeal Dismissed 05.12.2022</p>

Summary of Appeal Decisions Continued:

1. 37 Oakington Avenue, Harrow, HA2 7JQ (Appeal Ref: 3297296)

Main Issues

- 1.1. The main issues include for consideration in this appeal is whether the location of the development was acceptable with regard to the Local Development Strategy, the effect of the development on the character and appearance of the area, and of the living conditions of the occupiers of the property.
- 1.2. As the appeal proposal included extensions to an existing dwelling and the Change of Use of part of the property to a physiotherapy clinic, the inspectorate observed the location of the development as involving the relocation of an existing physiotherapy clinic currently operating elsewhere in the Borough. Concluding that for the above reason, amongst the postcode it served, the proposal would not fall contrary to Policy CS1 of the Core Strategy, or Policy DM46 of the Local Plan regarding the enhancement of an existing health facility within the borough.
- 1.3. On the topic of character and appearance, the inspectorate acknowledged that the single storey side extension replacing the existing garage was a larger footprint (marginally exceeding what could be built under their Permitted Development Rights). However, recognised that the resultant wide frontage would dominate the existing dwelling, and the prominence of this unusual feature in the streetscene would be intensified given the loss of existing landscape features to the front and lack of replacement planting.
- 1.4. On the subject of residential amenity for occupiers of the property, namely the size and configuration of the outdoor amenity space, the inspectorate acknowledged that there were no Core Strategy or Local Plan policies in front of him to provide quantitative standards for outdoor amenity space. However, he drew his attention to Standard 26 of the Housing Supplementary Planning Guidance (2016), which establishes a minimum amount of private outdoor space per dwelling and states that extensions are not allowed when they take up more than half of the rear or other main garden area, as they would in this case.
- 1.5. The inspectorate noted and factored in the case put by appellant so far as the property's original form, High Court decisions on approach to fall-back positions and PD Rights, any economic benefits in terms of employment opportunities, and any lack of objections to the planning application. The inspectorate commented that there was no compelling evidence before him to indicate that the hardstanding area at the front would be constructed given its association with the proposed physiotherapy clinic use, and that limits the weight that he can attach to it as a fall-back position, and economic/employment benefits were minor in terms of their benefit, lastly any lack of objection was not reason in itself to allow development that is unacceptable to go ahead, nor the wider matters outweighing the harm identified/discussed.

Decision: Dismissed

- 1.6. The inspectorate concluded that the proposal failed to respond positively to the local character, causing unacceptable harm the character and appearance of the area, contrary to Policy D3 of the London Plan (2021), Policy CS1 of the Core Strategy (2012) and Policies DM1, DM22, DM23, DM27 and DM33 of the Local Plan (2013) and the councils Residential Design Guidance SPD (2010).

2. 18 Paines Close, Pinner, HA5 3BN (Appeal Ref: 3301294)

- 2.1. The application was received and validated on 11.02.2022 and due for determination on 08.04.2022. An appeal had been lodged under section 78 of the Town and Country Planning Act 1990 against the Councils failure to give notice within the prescribed period of a decision on an application for planning permission.

Main Issues

- 2.2. The main issues for consideration in this appeal includes the effect of the proposed development on the character and appearance of the area, including the adjacent Pinner High Street Conservation Area.
- 2.3. The inspectorate noted that the first-floor alterations include a roof pitch that follows the current design of the neighbouring houses and would be similar to the main house, and that the proposed development would be located on lower ground than the original building. Further acknowledging that the single-story additions would have flat roofs similar to the existing outbuilding, and that the development owing to the subordinate and harmonious design would blend in well to its surroundings and have no detrimental impact on the character and appearance of the area or the Pinner High Street Conservation Area.
- 2.4. The Council advised that the proposal has no adverse effect on the character or appearance of the Conservation Area, and would have recommended that the application be approved subject to a condition requiring details of fully flush roof lights to be submitted to and approved by the Council, the inspectorate noted this, however deemed it unnecessary, instead imposing a condition that the external surfaces match the original building to safeguard the character and appearance of the area together with a condition to prevent the use of the large roof of the single storey portion as a balcony or amenity area which is necessary to protect the privacy of neighbouring residents.

Decision: Allowed

- 2.5. The inspectorate concluded that the proposal provides good design that is sustainable and appropriate to its location, scale and setting, and would not have a detrimental effect on the character and appearance of the area or that of the adjacent Pinner High Street Conservation Area. As such, the development proposal accords with Policy D3 of the London Plan (2021), Policy CS1 of the Core Strategy (2012) and Policies DM1 of the Local Plan (2013) and the councils Residential Design Guidance SPD (2010) and the Conservation Area Appraisal and Management Strategy Pinner High Street (2009).

3. 1 Earls Crescent, HA1 1XL (Appeal Ref: 3295600)

Main Issues

- 3.1. The main issues for consideration in this appeal includes the effect of the proposal on the character and appearance of the area.
- 3.2. The inspectorate commented that the appeal proposal would be of smaller scale and of a differing design to the surrounding two-storey semi-detached dwellings. Acknowledging that although its design and external appearance incorporated some features common to the area

(suitable materials, and sufficient garden space), the resultant scale, proportions and height would nevertheless be at odds with the prevailing character of the area. As such, signifying the proposal to not form a satisfactory composition in its setting of regularly designed and spaced dwellings, leading to harmful effect on the character and appearance of the area.

- 3.3. The inspectorate took note of the case made by the appellant that the proposal would increase the amount of housing available in the Borough, be located in a sustainable location, and future occupants to boost the local economy. The inspector, however, emphasised the Borough had allotted enough land to meet its housing objectives, and that there was no evidence to the contrary that these targets were not being met. The inspector also pointed out that, considering the scale of the development, the weight afforded to this would be minimal.

Decision: Dismissed

- 3.4. The inspectorate concluded that the proposal failed to ensure a development that is locally distinctive with a high standard of design and layout in respect of the character of the area, contrary to Policy D3.D(1) of the London Plan (2021), and Policy DM1 of the Local Plan (2013) and the Councils Residential Design Guidance SPD (2010) and guidance under the National Planning Policy Framework 2021.

4. 23A Radnor Avenue, HA1 1SB (Appeal Ref: 3299797)

Main Issues

- 4.1. The main issues for consideration in this appeal includes the effect of the proposal on the character and appearance of the area; and whether appropriate living conditions would be provided for future occupiers.
- 4.2. On the topic of character and appearance, the inspectorate commented that due to its scale, bulk and design it would fail to respect the proportions and features of the original property, competing with the outtrigger and would be set close from the gable end.
- 4.3. The inspectorate took note of the case made by the appellant that the appeal site is not within a Conservation Area, nor would it affect any heritage assets, and that it was partly obscured from Radnor Avenue and public areas. The inspectorate commented that the creation of a gable end would remove a characteristic feature of the area and would diminish the contribution of the generally consistent, distinctive and attractive roofscape which positively contribute to the character of Radnor Avenue and due to the size, and position of the rear dormer it would be dominating, incongruous and visually detrimental to the external features and proportions of the host building and therefore the area.
- 4.4. The inspectorate concluded that this aspect of the proposal failed to ensure a development that is sympathetic to local character or maintain a strong sense of place, and thus contrary to Policy D3 of the London Plan (2021), Policy CS1 of the Harrow Core Strategy (2012) and Policy DM1 of the Local Plan (2013) and the councils Residential Design Guidance SPD (2010) and guidance under Paragraph 130 of the National Planning Policy Framework 2021.
- 4.5. On the subject of residential amenity for occupiers of the property, namely the amount of floor space offered and its layout, the appeal proposal would increase the accommodation from a 1-bedroom home to a two-storey/duplex 4-bedroom home.
- 4.6. The inspectorate took note of the case made by the appellant that the proposal would widen the choice of family homes, however, for the reasons below did not find the level of accommodation would be adequate for such a use.

- 4.7. The inspectorate commented that the internal layout and amount of space would be insufficient, for a 4-bedroom home, leading to a cramped environment, insofar as it fails to seek to achieve a high standard of design and layout and in relation to the needs of future occupiers to achieve an indoor environment that is comfortable and inviting for people to use.

Decision: Dismissed

- 4.8. The inspectorate concluded that this aspect of the proposal fell contrary to Policy D3 of the London Plan (2021), and Policy DM1 of the Local Plan (2013) and the Councils Residential Design Guidance SPD (2010) and guidance under Paragraph 130 of the National Planning Policy Framework 2021.

5. 24 Cavendish Drive, Edgware HA8 7NS (Appeal Ref: 3299797)

Main Issues

- 5.1. The main issues for consideration in this appeal includes the impact of the proposal upon character and appearance of the area including upon the Canons Park Conservation Area, the effect of the proposal upon flood risk and the living conditions of occupants using the proposed loft room.
- 5.2. On the topic of character and appearance, the inspectorate commented that the proposals before him would significantly enlarge the existing dwellinghouse both upwards, to the rear and to the side, and in doing so would almost fill the width of the existing plot and considerably alter the architectural character of the existing building. Notably, the proposal would radically alter the front of the property through removing the catslide element and by raising its ridge height which would have the effect of diluting the appearance of the existing, and fails to respond to the local context.
- 5.3. The inspectorate concluded that this aspect of the proposal, when taken as a whole, would represent a notable overdevelopment of the plot which contributes to eroding the attractive architectural elements of the original house to the detriment of both the host property, the wider streetscene of Cavendish Avenue, and/or preserve the character and appearance of the Canons Park Conservation Area contrary to S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS1.B and CS1.D of the Harrow Core Strategy (2012) and Policies DM1 and DM7 of the Local Plan (2013) as well as guidance set out in the Framework (2021) and The London Plan (2021).
- 5.4. On the topic of flood risk, the inspectorate concurred with the Councils opinion that he too had no such information before him so as to help determine this element of the appeal to the contrary. As such, the inspectorate concluded that the proposal would remain contrary to Policy SI 12 of The London Plan (2021) and the Councils Core Strategy CS1.U of the Harrow Core Strategy (2012) along with Policies DM9 and DM10 of the Harrow DPM (2013).
- 5.5. On the topic of residential amenity, namely in respect of windows and views, the inspectorate commented that it should it be desired, and that the street level should be seen through looking out of such windows, which in the absence of such a space could be considered unsuitable and contrary to Policy DM1 of the Harrow DPM (2013).

Decision: Dismissed

6. 41 Weald Rise, HA3 7DQ (Appeal Ref: 3267569)

Main Issues

- 6.1. The main issues for consideration in this Appeal Inquiry was, that without planning permission, the material Change of Use of land to use as four flats is unauthorised.
- 6.2. The appellant submitted new evidence in the form of statutory declarations (from the previous tenants), indicating that the development subject of the Notice has been in existence continuously for a period in excess of 4 years prior to the issue of the said notice
- 6.3. In light of the above, the Council was of the view that there is no need to progress with this Appeal/Inquiry or at present the Enforcement Notice until such time the appellant had the opportunity to demonstrate the lawfulness of the development via a Certificate of Lawfulness application within 7 days of the Notice Withdrawal.

Decision: Withdrawn

- 6.4. An application for Certificate of Lawfulness had been submitted on 17.01.2023, however, the submission remains invalid due to missing information and fee which the Council have issued an invalid letter on.

7. 70 Uxbridge Road, HA7 3NQ (Appeal Ref: 3291935 and 3299939)

Main Issues

- 7.1. The main issues for consideration in these Appeals is the impact of the proposed development over provisions for on-site disabled parking facilities. The inspectorate had acknowledged that the second application and Appeal B was an attempt to address concerns raised through the initial refusal of planning permission as contained within Appeal A. As such, the cases before him were very similar in scope and nature and he has determined both appeals together accordingly.
- 7.2. On the topic of public transport and parking, the inspectorate acknowledged the low level of public transport accessibility and no onsite vehicular parking being provided. Despite this, the inspectorate emphasised that the site was located within a two-minute walking distance to well serviced bus routes and there is unrestricted on street parking nearby.
- 7.3. The inspectorate highlighted the requirements under Policy T6.1 of The London Plan (2021), reiterating that disabled parking need only generally be provided for new residential developments over ten units, and that the development would not meet the ten unit threshold and, due to the particular constraints of the site it would be unable to provide safe and efficient access into the site for any such parking provision.
- 7.4. The inspectorate took note of the case made by the appellant that there would potentially be an opportunity for disabled persons to park within a reasonable proximity to the site should they so wish to do so, with his own observations on site, concurred that there would potentially be an opportunity for disabled persons to park within a reasonable proximity to the site should they so wish to do so.

Decision: Appeals A and B – Allowed

- 7.5. The inspectorate concluded that he had given great weight to the increase in housing here that would help sustain the local centre nearby as well as help to provide extra housing within the Borough that would be located within a sustainable location. In light of this he considers that the provision of disabled parking could reasonably be provided nearby and that the schemes overall would comply with Policies CS.1 of the Harrow Core Strategy (2012), T6.1 of The London Plan (2021) and DM1 of the Harrow Development Management Plan (2013).
- 7.6. The application for full award of costs against Appeal A Ref: 3291935 and Appeal B Ref: 3291935 was refused. The appellants case primarily due to the allegation that members of the Planning Committee who determined the application did not take fully into account the specialist advice of their planning case officer or the highways consultee in determining this application and the policy support, for disabled parking only being required for developments of more than ten dwellings.

Costs Applications: Appeals A and B – Dismissed

- 7.7. On the topic of costs, the inspectorate did not understand the precise reasons for Members wishing to provide disabled parking, however concluded that this is not an aspiration to be necessarily frowned upon, and so did not consider it unreasonable for Members to sincerely seek to achieve such an outcome.
- 7.8. The inspectorate did surmise that the Officer's Delegated report provided ample evidence as to why provision on site would be impossible, however, despite this evidence appreciated that Members felt this issue to be so important that they sought to overturn their Officer's recommendation which is ultimately within their gift. The inspectorate acknowledged that such topics could well be locally sensitive and acknowledges that there could well have been a preference for the provision of such parking in excess of the policy requirements as set out in The London Plan.

8. 274-278 Northolt Road, HA2 8EB (Appeal Ref: 3289938)

Main Issues

- 8.1. The main issues for consideration in this Appeal is whether the proposal as submitted adhered with the provisions of Article 3(1) and Schedule 2, Part 20 Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 8.2. The inspectorate took note of the case made by the appellant that the application as originally submitted was advanced under Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
- 8.3. The inspectorate took note of the case made by the Council that it took the view that it considered the application under the provisions of Class AB of the GPDO as the building was not detached, therefore, failing to comply with the terms of Class AA of the GPDO.

Decision: Allowed

- 8.4. The inspectorate concluded that, as the application was originally submitted under the provisions of Class AA of the GPDO he has considered the appeal on this basis, and he had applied the definition for "detached" provided in Paragraph C in respect of development permitted under Part 20 so to justify the development proposal in accordance to Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Costs application: Allowed in full

- 8.5. On the topic of costs, the appellant contends that the Council's assessment of the application was flawed and the unreasonable nature of their decision led to the appeal resulting in unnecessary costs. The inspectorate acknowledged that although there were no caselaw in respect of Class AA or Class AB of the Part 20, Class AA of the GPDO, he relied on the merits of the case, concluding that the proposed development complies with the provisions of Class AA and is permitted and that unreasonable behaviour on the Council's part had resulted in unnecessary or wasted expense.
- 8.6. The application for award of costs against the Council was allowed in exercise of the powers under Section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 (as amended).

9. 53 Suffolk Road, Harrow, HA2 7QF (Appeal Ref: 3303763)

Main Issues

- 9.1. The main issues for consideration in this Appeal is the effect of the proposal upon the character and appearance of the area and upon the living conditions of neighbours.
- 9.2. On the topic of character and appearance, the inspectorate commented that on balance there would be some modest harm sustained to the streetscene through the cumulative loss of such important details. This loss of detail however added to the scale of development and the harmful rearwards projection contained within this application would lead him to the conclusion that such harm is significant.
- 9.3. The removal of the front gable, brick quoin details, and the brick chimneys for instance would all contribute to a harmful erosion of this distinctive character. Although he acknowledged that some of the elements could be done under PD limitations, the PD fall-back position was only given limited weight as he considered it unlikely that such changes would occur without the rest of these extensions being implemented.
- 9.4. On the topic neighbour amenity, the inspectorate commented that the proposal would introduce a much higher scale of development along its boundary and, due to the orientation and depth of the two-storey element of the extension, he considers that there would be some harmful impact upon sunlight and outlook from this neighbouring property as a result, and the extensions would appear overly dominant.

Decision: Dismissed

- 9.5. The inspectorate concluded that the policy recommendations outlined in Policy CS1 of the Harrow Core Strategy (2012) and Policy DM1 of the Local Plan (2013) as well as Policy D1 of The London Plan (2021) had not been fully met.

Costs application: Dismissed

- 9.6. The application for full award of costs against was refused. The appellants case primarily due to the allegation that members of the Planning Committee who determined the application did not take fully into account the specialist advice of their Planning Case Officer in determining this application and the reasons for refusal were not expressly made clear through this process of determination.

9.7. On the topic of costs, the inspectorate did not consider that the actions of the Council represent unreasonable behaviour as defined in the Planning Practice Guidance, however, did express that the minutes of the planning committee could have better captured the debate or discussion over the scheme.

10. Marlborough House, 159 High Street, HA3 5DX (Appeal Ref: 3292680)

Main Issues

10.1. The main issues for consideration in this Appeal is whether the proposal as submitted adhered with the provisions of Article 3(1) and Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), namely the requirements under with regard to the requirements of paragraphs ZA.2.(2) (c) flooding risks in relation to the new building (g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light and (l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees.

10.2. On the topic of flood risk, the inspectorate considered the evidence provided by the appellant including the FRA, which set out that the site is at low risk from all sources of flooding and no site-specific measures are required. The inspectorate also took note that the existing drainage arrangements would not be altered nor would the impermeable area of the site change as a result of the proposed development and remained satisfied that the submitted information overcomes the Council's concern in relation to this matter, complying with the provisions of paragraphs ZA.2.(2) (c). The Inspector concluded that the Council had exercised its planning judgement in respect of the flood risk reason.

10.3. On the topic of amenity, the inspectorate acknowledged the case put by the Council and concluded that the proposed development would provide satisfactory living conditions for future occupiers complying with the provisions of paragraphs ZA.2.(2) (g). The Inspector concluded that the insufficient evidence was submitted by the Council in respect of defensible spaces to support the reason for refusal.

10.4. On the topic of landscaping, the inspectorate acknowledged the Council's comments in respect of visual setting and biodiversity enhancements and concluded that there was no requirement for development under Part 20 ZA.2(2) to consider such matters, consequently concluding that the proposed landscaping would comply with the provisions of paragraphs ZA.2.(2) (l).

Decision: Allowed

Costs Application: Allowed in full

10.5. The application for full award of costs against was allowed, in exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 (as amended).

10.6. On the topic of costs, the inspectorate commented that in the context of the prior approval legislation the Council has erred in their assessment by considering the application against the development plan. In light of this I find that the Council have acted unreasonably.

11. Stanmore and Edgware Golf Centre, Brockley Hill, Stanmore, HA7 4LR (Appeal Ref: 3299650)

Main Issues

- 11.1. The main issues for consideration in this Appeal Inquiry were the effect of development upon the openness of the Green Belt, the effect of the development upon the character and appearance of the area, the effect of the development upon the local highway network and highway safety, the need for the development and whether the harm caused by inappropriateness, and any other harm, would be outweighed by other considerations, so as to amount of the very special circumstances required to justify the proposal.
- 11.2. On the topic of openness of the Greenbelt, the inspectorate commented that the proposal would cause significant harm to the openness of the Green Belt, and thus be contrary to the Framework, Policy G2 of the London Plan (2021), Policy CS1 of the Harrow Core Strategy (2012) and Policy DM16 of the Harrow Council Development Management Policies (2013).
- 11.3. On the topic of character and appearance of the area, the inspectorate commented that the proposal would have a harmful impact upon the character and appearance of the area, including detracting from the character of the HWRSA, and thus be contrary to the Framework, Policy D1 of the London Plan (2021), Policy CS of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Council Development Management Policies (2013).
- 11.4. On the topic of local highway network and highway safety, the inspectorate commented that after considering the planning obligations including the financial contributions secured would deliver the necessary infrastructure to make the development safe from a highway perspective. On this basis, the inspectorate concluded that the proposal would not give rise to adverse effects upon highway safety, thus in compliance with policies T4 and T6 of the London Plan (2021), and Policies DM1 and DM42 of the Harrow Council Development Management Policies (2013).
- 11.5. On the topic of need for the development, the inspectorate acknowledged that there would be moderate benefit to be apportioned to the proposal's contribution to the choice within the sub-regional market and noted appellants case in respect of there being no sequentially preferable alternative and available sites for the proposed building but, concluded that in the absence of an unmet need, there is no compelling case for positive weight to be given to this conclusion. The inspectorate concluded that the development makes a positive contribution to the choice in the wedding market for ethnic communities weighs for the development, although this stops short of fulfilling an unmet need.

Decision: Dismissed

Checked

 <p>Mehdi Rezaie Head of Development Management (Interim)</p> <p>3rd February 2023</p>	 <p>Viv Evans Chief Planning Officer</p> <p>6th February 2023</p>
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