

Planning Committee

ADDENDUM

DATE: Wednesday 22 July 2020

HARROW COUNCIL

ADDENDUM

PLANNING COMMITTEE

DATE: 22nd July 2020

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| 1/02 | <p><u>Addendum Item 1:</u></p> <p>The following comments were sent to Councillors in a letter, dated 17th July:</p> <p>We write on behalf of our client, Football First Ltd, in relation to the above application at The Hive which will be considered by the Planning Committee on 22 July 2020. Disappointingly, the application has been recommended for refusal by planning officers. Their reasons are set out in the Committee Report. We would like to take this opportunity to address the proposed reasons for refusal and explain the background to this application.</p> <p>This application will simply consolidate the existing car parking at The Hive London. It will increase car parking on site by just 26 spaces (from 413 to 439). This application was originally submitted to LB Harrow on 8 April 2019, it was then validated in September 2019, but was not referred to the GLA until February 2020. We then did not receive initial consultation comments until 22 April 2020, further comments were received on 23 June 2020 and only on 2 July 2020 did we receive final confirmation of the highways comments from LB Harrow.</p> <p>In October 2019 we provided LB Harrow with a number of technical reports at the request of officers. This included a Flood Risk Assessment, Preliminary Ecological Appraisal, Open Space Assessment, Transport Assessment, Noise Impact Assessment and Energy Strategy. It took six months for us to receive formal consultation comments on these reports. We have sought to address the concerns of the Planning Officer in a technical response which we have requested is included as an addendum to the Report and is provided to you in advance of Wednesday's committee.</p> <p>The Planning Officer confirms at paragraph 6.2.7 of the Report that the development is acceptable in principle. At paragraph 2.3, it is confirmed that there will only be an increase of 26 spaces, and at paragraphs 6.4.2 and 6.4.3 that there would be no detrimental impact on neighbouring residential amenity. Importantly, no objections have been received from members of the public because we know that they do not want visitors parking on surrounding streets. Nor do we. The main concerns raised by the Planning Officer are:</p> <ol style="list-style-type: none"> 1. Sustainable travel – Only 26 additional car parking spaces are proposed and we will accept a condition on the permission that restricts the total number of car parking spaces on site to 439. In the last three years more than 26,000sqm |
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of new floorspace has been approved on site, plus a five-aside complex. The additional parking equates to just 1 space per 1,000sqm of new floorspace. The consolidated parking on site will prevent parking in the surrounding streets. We are also providing new cycle parking to encourage healthy and sustainable travel. The provision of 26 new spaces will have no measurable impact on highways or access. Our Transport Consultant will provide an update note to confirm their previous findings remain correct.

2. Ecological impact – The site is an existing car park with no ecological value. The submitted Ecology Report confirmed this, and we will provide an up-dated Ecology note which confirms that the site is still a car park with no ecological value. Appropriate conditions could be used to enhance the existing situation. The nearby SINC is the Jubilee Line and we will have no impact upon that.
3. Flooding and drainage – The site is in Flood Zone 1 and there is no realistic prospect of flooding being an issue. A technical drainage response will also be provided to demonstrate the acceptability of the drainage strategy.
4. Realignment of the Academy building and artificial pitch – The realignment of the pitch and the Academy building will require separate planning permission. Therefore, the access to these facilities is not an issue for this current application. This is simply a non-issue.
5. Development parameters – The submitted plans are clear in showing the proposed siting, design, bulk and massing of the car park. The height of the car park would be 17m AOD, it would be 49m wide, 75m long and have a footprint area of 0.4ha. This can be controlled by condition. Detailed design, siting and layout would be discussed at Reserved Matters stage.
6. Air Quality – We had not been made aware of any air quality concerns until we saw the Report on 15 July. We will provide a short technical note which concludes that the increase of 26 parking spaces on site would have no detrimental air quality impacts.

Any minor issues that remain can be dealt with by planning condition or through subsequent Reserved Matters applications.

We trust that the above clearly sets out the background to this application. The technical reports simply reflect what is obvious: consolidating the car parking in one place and providing just 26 new spaces, will have no unacceptable impact on flood risk, ecology, residential amenity, air quality or highways as a consequence of a positive decision at Planning Committee.

The sole purpose of this application is to make parking at The Hive more straightforward to stop visitors parking on nearby streets. This is what our neighbours want. Indeed, some want more on-site parking, but officers would not agree to this. At a time of unprecedented economic turmoil, it is very disappointing that officers will not support investment by a local business and are contriving concerns to justify refusing an application that should be supported.

Sometimes officers can become too close to an application to step back and look at the big picture. This proposal has no downside. It will only improve matters. If the application is considered fairly, it should be supported. We ask that you consider this

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| | <p>proposal without preconceived notions of The Hive, apply common sense and support this application, which is good for local people, good for The Hive and good for the Borough.</p> <p>We ask that you defer this application to allow officers to reconsider the proposal and the updated technical notes provided, and to recommend the application's approval.</p> |
| 2/03 | <p><u>Addendum Item 1:</u> A further objection has been received from the occupier of a neighbouring dwelling. The objection is summarised below:</p> <ul style="list-style-type: none"> - Loss of light due to size and orientation of property. - Privacy and overlooking due to positioning of non-obscure windows. - Out of keeping with conservation area which is not dealt with in the supporting documents. - Overdevelopment of site. <p><u>Addendum Item 2:</u> At page 142 of the agenda the planning reference should be P/0419/19 not P/0419/20 as reported in the history section.</p> |
| 2/06 | <p><u>Addendum Item 1:</u> Page 237</p> <p>Highway Safety Policy DM 42 E of the Harrow Development Management Policies Local Plan (2013) outlines that “the design and layout of parking areas (including those for scooters, motorcycles and bicycles) should be safe, secure and fit for purpose. Access to and from the public highway should maintain and, where necessary, improve safety and give priority to the convenience of pedestrians and cyclists.”</p> <p>Although planning permission is not required to use the building as a school, there will be a significantly greater number of pedestrians and cyclists within the vicinity of the site when the school commences operations. Additional comments have been sought from the Council Highways Authority in relation to this issue. The Highways Authority have advised that the council employs Civil Enforcement Officers who can deal with parking contraventions (yellow lines, school zig-zags etc) and parking on the footway but not vehicle obstruction this is a Police matter. The Parking Operations Team deploys its CCTV vehicles and staff to patrol schools each day and in light of the concerns raised the Travel Planners will liaise with colleagues in the Parking Operations team to advise of the concerns raised and ask that this location can be placed on their list of schools as a priority.</p> <p><u>Addendum Item 2:</u> Page 238</p> <p>Conditions Amend Condition 2 Approved Plans and Document List as follows:</p> |

| | |
|--|---------|
| FS0511EFAA-ADP-XX-XX-DR-A-915- Location Plan | S1P02 |
| FS0511EFAA-ADP-XX-XX-DR-A-920- Existing Site Plan | S1P03 |
| FS0511EFAA-ADP-XX-XX-DR-A-925- Proposed Site Plan | S1P10 |
| FS0511EFAA-ADP-XX-XX-DR-A-905- Existing N E Elevations | S1P0 3 |
| FS0511EFAA-ADP-XX-XX-DR-A-906- Existing S W Elevations | S1P0 3 |
| FS0511EFAA-ADP-XX-XX-DR-A-910- Proposed N E Elevations | S1P0 8 |
| FS0511EFAA-ADP-XX-XX-DR-A-911- Proposed S W Elevations | S1P0 8 |
| FS0511EFAA-ADP-XX-GF-DR-A-0903- Existing Ground Floor Plan | S1P0 3 |
| FS0511EFAA-ADP-XX-GF-DR-A-1025- Proposed Ground Floor Plan | S1P0 11 |
| FS0511EFAA-ADP-XX-01-DR-A-0904- Existing First Floor Plan | S1P0 2 |
| FS0511EFAA-ADP-XX-01-DR-A-1026- Proposed First Floor Plan | S1P0 10 |
| FS0511EFAA-ADP-XX-R1-DR-A-0908- Existing Roof Plan | S1P0 1 |
| FS0511EFAA-ADP-XX-R1-DR-A-1027- Proposed Roof Plan | S1P0 5 |
| Hujjat Primary School, Harrow – Preliminary Roost Assessment Report | Rev00 |
| 858562 - Hujjat School - Emergence report | Rev00 |
| 858562 Hujjat Primary School Bat Surveys | |
| FS0511EFAA-ADP-XX-XX-DR-A-1900- Proposed Landscape Plan | P07 |
| FS0511EFAA-ADP-XX-XX-DR-A-1901- Proposed Fencing and External Furniture | SP104 |
| CLD-Dulok-Lite-General-Purpose-Fencing | |
| 12K Acoustic Envirofence Technical Data Sheet | |
| CLD-Flexarail-General-Purpose-Fencing | |
| Hit Miss Vertical Panel Spec Sheet | |
| CLD-Dulok-Sports-Fencing | |
| FS0511EFAA-EMEC-00-00-DR-E-2701_External Lighting Layout_ | P1 |
| Viva-City-Pro Datasheet | V2 |
| Arboricultural Feasibility Report, dated 25 th June | |
| Planning and Heritage Statement, dated February 2020 | |
| Design and Access Statement, dated May 2020 | |
| 200424 - Contract Programme -DFE - HUJJAT PRIMARY SCHOOL | |
| 200124 - Updated Hujjat Construction Logistics 27-04-2020 | |
| Appendix 4 - Part 1 - Project Execution Plan (PEP) - Hujjat dated 31.01.20 | |
| Appendix 4 - Part 2 - Health and Safety Management Plan Legionella addition - 31.01.20- Hujjat | May-20 |
| Appendix 4 - Part 3 - Environmental and Sustainability Management Plan (EMP) - 27.04.2020 - Hujjat | May-20 |
| 9201-Rev P04 (Drainage Layout Sheet 1); | |
| 9202 Rev P04 (Drainage Layout Sheet 2); | |

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| 9203 Rev P04 (Drainage Layout Sheet 3); | |
| 9501-Rev P03 (Road & Footpath Construction Details); | |
| 9502- Rev P02 (Road & Footpath Construction Details Sheet 2); 9251-P02 (Drainage Standard Details Sheet 1); | |
| Hujjat Primary School - S106 CONSENT | |
| FS0511EFAA-ADP-XX-XX-DR-A-3100- Stairs and Ramps | S1P01 |
| FS0511EFAA-ADP-XX-GF-DR-A-3005 S3-P02- External Canopy | S3P02 |
| FS0511EFAA-ADP-XX-XX-DR-A-912- Fencing Elevations North and East | S1P01 |
| FS0511EFAA-ADP-XX-XX-DR-A-913- Fencing Elevations South and West | |
| 05-19-76160 AC 3v1 - Hujjat Primary School - MUGA Noise Assessment | V1 |
| FS0511-EMEC-00-ZZ-RP-Z-0002-P3 BB101 Overheating Assessment Report (1) | |
| Hujjat - DfE BB101 Letter | |

Addendum Item 3:

Page 240

Amend condition 4 to:

Details of louvres

Notwithstanding the details shown on the approved drawings and documents, prior to the installation of the louvres hereby permitted, details/samples of the window louvres shall be submitted to the local planning authority, provided on site and approved in writing by the Local Planning Authority: The development shall be completed in accordance with the approved details and shall thereafter be retained, unless otherwise agreed in writing with the local planning authority. REASON: To preserve or enhance the appearance of the locally listed building and safeguard the character and appearance of the area.

Addendum Item 4:

Page 243

Amend condition 14 to:

Lighting

Notwithstanding the approved plans and documents, the external lighting hereby approved shall not be installed until details of the lighting of all public realm and other external areas (including buildings) within the site has been submitted to the Local Planning Authority in writing to be agreed. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

Reason: To ensure that the development incorporates lighting that contributes to Secured by Design principles and achieves a high standard of residential quality.

Addendum Item 5:

Page 247

Add the following Policy:

DM 42 Parking Standards

Addendum Item 6:

Page 248

Add the following Informative:

The applicant is advised that there is an expectation that the school will use its best endeavours to liaise with the owners of Lidl car park in Harrow Weald and explore the possibility of an arrangement that this car park could be used as a temporary parking area at school drop off and pick up times”.

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Addendum Item 1:

This application is recommended for refusal and therefore should be in Section 3 of the committee papers.

Addendum Item 2:

Replace the table at 6.2.3 on page 343 of the Agenda with the below table which includes the percentage footprint, floor space and volume increases of the existing extensions over and above the original dwelling house.

| | Original Dwelling | Existing Dwelling | %Change from original | Proposed Dwelling | %Change from original |
|-------------------|-------------------|-------------------|-----------------------|-------------------|-----------------------|
| Footprint (m2) | 130.7 | 235 | +80% | 261 | +99% |
| Floor space (m2) | 199.8 | 383 | +92% | 482 | +141% |
| Volume (m2) | 715 | 1310 | +83% | 1412.3 | +98% |
| Hardstanding (m2) | N/A | 1028 | N/A | 342.5 | -67% |
| Outbuilding | 0 | 80 | N/A | 47.3 | -41% |

Addendum Item 3:

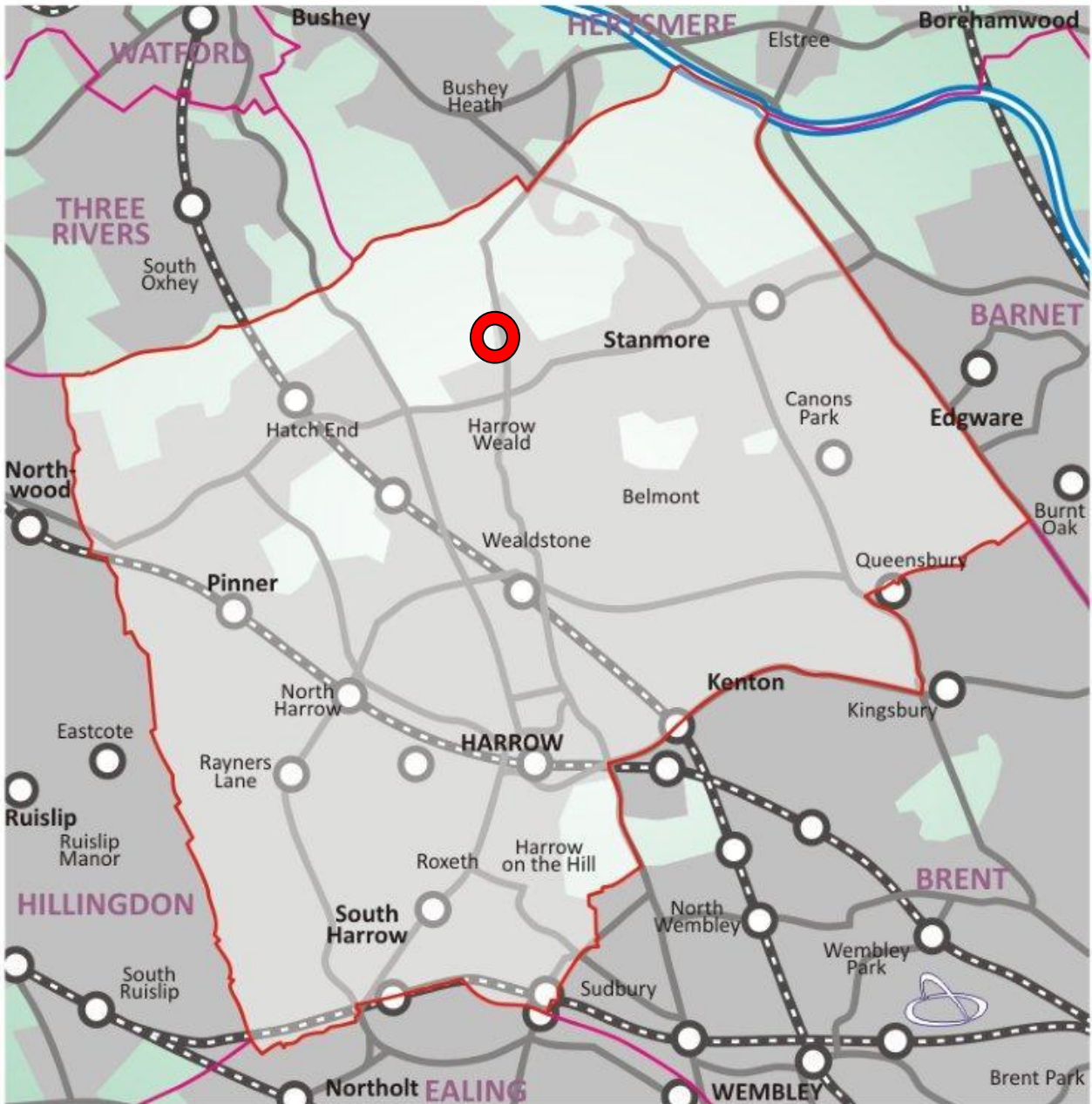
Appeal decisions referred to in the officer’s report are attached to this addendum as follows:

- As referred to at paragraph 6.26 of the Agenda: Antolido, Potter Street Hill APP 2187009.
- As referred to at paragraph 6.2.7 of the Agenda: Wellswood, Park View Road APP 3232674.
- As referred to at paragraph 6.2.11 of the Agenda: Mickledore, Potter Street Hill APP 3133689
- As referred to at 6.2.15 of the Agenda: Belswood Cottage, Heathbourne Road APP 3134268
- As referred to at 6.2.16 of the Agenda: Xanadu, Potter Street Hill APP 2216456.

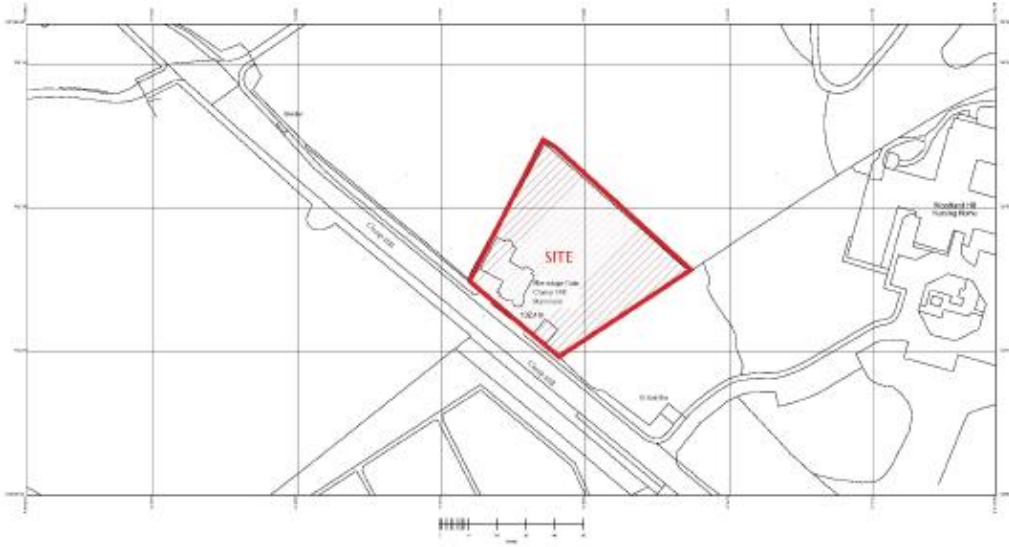
Agenda Item 10 – Representations on Planning Applications

| | | |
|-------------|---|---|
| 2/01 | 16 Northwick Park Road (P/0828/20) | Elsa Morrison (Objector) MZA Planning (Agent/Applicant) |
| 2/02 | Suncourt, Mayfield Drive, Harrow (P/0188/20) | Shazia Akhtar (Objector) |
| 2/06 | Hujjat Primary School (P/0487/20) | Majella Baade (Objector) Cllr Stephen Greek |
| 2/09 | Land fronting Uxbridge Road Forming Part of Bannister Outdoor Sports Centre (P/5094/19) | Pierre Dowsett (Agent/Applicant) Brian Stoker (Objector) Cllr Stephen Greek |
| 2/10 | Hermitage Gate Clamp Hill (P/1426/20) | Roger Birtles & Ricky Sellars (applicants) |

 = application site



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| Hermitage Gate Clamp Hill Stanmore | P/1426/20 |
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3.

Site Location Plan

1:1250

LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd July 2020

APPLICATION NUMBER: P/1426/20

VALID DATE: 13th MAY 2020

LOCATION: HERMITAGE GATE, CLAMP HILL, STANMORE

WARD: STANMORE PARK

POSTCODE: HA7 3JP

APPLICANT: DR AASIM QURESHI

AGENT: BRASS ARCHITECTURE

CASE OFFICER: KATIE HOGENDOORN

EXPIRY DATE: 27TH JULY 2020

PROPOSAL

Two storey side to rear extension; detached double car port; installation of 1.6m to 2m high brick pier boundary wall, installation of wrought iron pedestrian and vehicle access gates to front; relocation of pedestrian and vehicle access; external alterations (demolition of detached double garage; plant room; changing rooms, swimming pool and tennis courts)

RECOMMENDATION

The Planning Committee is asked to:

- 1) Agree the reasons for refusal as set out in this report,

REASON FOR RECOMMENDATION

1. The proposed two storey side to rear extension, in conjunction with existing extensions to the original building, would give rise to disproportionate additions over and above the size of the original dwellinghouse which would constitute inappropriate development in the Green Belt, contrary to the National Planning Policy Framework (2019), Policy 7.16B of The London Plan (2016), Policy G2 of the Draft London Plan – Intend to Publish Version(2019), Core Policy CS1.F of the Harrow Core Strategy (2012), and Policy DM 16 of the Harrow Development Management Polices Local Plan (2013). No very special circumstances have been demonstrated by the applicant whereby the harm by reason of inappropriateness is outweighed by other considerations.

2. The proposed boundary wall with piers and gates is considered inappropriate development within the Green Belt for which no case for very special circumstances have been demonstrated which would outweigh the harm caused by reason of inappropriateness. Further, the siting and height of the proposed boundary treatment is considered to represent visual and spatial harm to the openness of this Green Belt site, contrary to the National Planning Policy Framework (2019), Policy 7.16B of The London Plan (2016), Policy G2 of the Draft London Plan Intend to Publish Version (2019), Core Policies CS1.B and CS1.F of the Harrow Core Strategy (2012) and Policies DM1 and DM16 of the Harrow Development Management Policies Local Plan (2013).

3. The proposed car port is considered to be in inappropriate development within the Green Belt and would harm the openness of the existing Green Belt site. No case for very special circumstances has been demonstrated which would outweigh the harm caused by reason of inappropriateness, the proposal is therefore contrary to the National Planning Policy Framework (2019), Policy 7.16B of The London Plan (2016), Policy G2 of the Draft London Plan – Intend to Publish Version(2019), Core Policy CS1.F of the Harrow Core Strategy (2012), and Policy DM 16 of the Harrow Development Management Polices Local Plan (2013).

INFORMATION

This application is reported to Planning Committee at the request of a nominated member due to public interest and therefore falls within proviso A of the Scheme of Delegation.

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| Statutory Return Type: | (E)21 Householder Development |
| Council Interest: | None |
| Net Additional Floorspace: | 31 sqm |
| GLA Community | |
| Infrastructure Levy (CIL): | N/A |
| Local CIL requirement: | N/A |

HUMAN RIGHTS ACT

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

EQUALITIES

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

S17 CRIME & DISORDER ACT

It is considered that the proposed development would not adversely impact upon community safety issues or conflict with development plan policies in this regard.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises a two storey detached dwellinghouse situated on the east side of Clamp Hill in Stanmore
- 1.2 The dwellinghouse is locally listed.
- 1.3 The property has been previously extended with a two storey side extension and integral attached garage and a single and two storey rear extension.
- 1.4 The property is located within the Green Belt.
- 1.5 There are a number of individually protected trees within the site and there is a group tree preservation order immediately adjacent to the southern boundary of the site.
- 1.6 There is an existing 1.4 metre high brick boundary wall across the full width of the front boundary with Clamp Hill
- 1.7 The property's front elevation faces south where there is an existing tennis court and an outbuilding within the side/front garden.
- 1.8 The site is not located within a flood zone or critical drainage area.

2.0 PROPOSAL

Extensions

- 2.1 The application proposes a two storey side to rear extension which would be located on the western elevation where the property fronts Clamp Hill.
- 2.2 The extension would be set in 2.7 metres from the existing side wall of the dwellinghouse, and would have a flat roof with an eaves height of 5.5 metres in line with the eaves height of the existing two storey rear extension.
- 2.3 The extension would be 2 metres in width and would project 9.3 metres from the rear elevation with a rear wall in line with the rear wall of the existing two storey rear extension.
- 2.4 There would be a square bay window within the proposed side wall at ground and first floor which would project a further 0.8 metres from the proposed side wall of the extension, and two new windows at ground and first floor within the recessed section of the extension. There would be no new windows on the rear wall of the proposed extension.

Boundary treatment and revised access

- 2.5 The application proposes a replacement boundary wall which would span the entire front boundary with Clamp Hill and would comprise a solid brick wall to a height of 1.4 metres with 2.3 metre high piers at 3 metre intervals. The pedestrian access would have a timber open gate to a height of 1.4 metres in line with the height of the brick wall and the proposed vehicular access would have a timber open gate to a height of 2 metres, and a width of 4.7 metres.
- 2.6 The existing pedestrian and vehicular accesses would be relocated southwards along the front boundary with Clamp Hill, with landscaping introduced and hardstanding removed and relocated from the front garden area where the properties front elevation faces south. The proposed hardstanding would provide paths to the rear garden and to the driveway.

Hardstanding alterations and car port

- 2.7 The existing tennis courts and outbuilding on the front boundary would be removed and replaced with a newly laid hardstanding and access to a proposed open sided car port.
- 2.8 The proposed car port would be 6.9 metres wide x 6.6 metres deep and would be set back 16 metres from the front boundary.
- 2.9 The proposed car port would have a pitched roof with an eaves height of 2 metres and a ridge height of 3.5 metres.
- 2.10 The car port would be constructed of timber.

3.0 RELEVANT PLANNING HISTORY

3.1 A summary of planning history is set out below:

| Ref no. | Description | Status & date of decision |
|---|--|--------------------------------------|
| HAR/20188 | Detached house and garage (outline) | REFUSED 19/04/1963 |
| Reason for Refusal: The proposed development would be contrary to the provisions of the County Development Plan in which the site is included in the Green Belt and is not available for general residential development. | | |
| HAR/2188A | To provide ground floor cloakroom | GRANTED 18/06/1964 |
| LBH/2884 | C Rebuilding existing garages with additional rooms over | REFUSED 16/01/1968 |
| Reason for Refusal: The proposal does not show details of the elevational | | |

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| treatment of the proposed extension, showing how the extension can be satisfactorily integrated with the existing building in this exposed position in the Green Belt. | | |
| LBH/2884/1 | Rebuilding existing garages with additional rooms over (outline) | GRANTED 22/02/1968 |
| LBH/2884/2 | Erection of 2 bedrooms and bathroom over existing garages. | GRANTED 23/08/1972 |
| LBH/2884/3 | Erection of two storey extension to rear of dwellinghouse | GRANTED 10/11/1978 |
| LBH/37447 | Single storey rear extension | GRANTED 25/01/1989 |
| LBH/38690 | Single storey rear extension | GRANTED 20/09/1989 |
| EAST/802/01/FUL | Replacement garage & changing room. | GRANTED 07/01/2002 |

3.2 Pre-application Discussion

3.2.1 Pre application advice was given reference P/4444/19/PREAPP on the following proposal: 'Reinvent existing property, Update site boundary arrangements, Extension to existing property, Relocate site access, Demolish garage + showers And replace with car port, Replace tennis court with soft landscaping'

3.2.2 The following advice was provided: 'Given the excessive scale, massing and siting, the proposal is considered to be inappropriate development when viewed in conjunction with the existing extensions in the Green Belt and would harm the openness of the Green Belt. It would also fail to respect the scale of the original cottage and would not preserve the special interest of the subject locally listed building. The proposals are therefore not supported in principle. The applicant is also reminded that all the TPO trees within the subject site should be retained and protected'.

4.0 CONSULTATION

4.1 A total of 4 consultation letters were sent to neighbouring properties regarding this application. The minimum statutory consultation period expired on 15th June 2020.

4.2 No objections were received from the public consultation.

4.3 Statutory and non-statutory consultation

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| Consultee and Summary of Comments |
| LBH Conservation Officer |

Significance

This Hermitage Gate is locally listed. The outline around the locally listed building indicates the whole building is locally listed. The local list description is for identification purposes but indicates significance as it says: '2 storey red brick and mock half-timbered building of irregular plan. Features a tower'.

Pevsner's book of North West London states the building has a 'Romantic composition with a Gothic tower, belonged to another house'.

Part of the building is present on the 1864-1894 OS map and remains on there 1896, 1932-1941 and 1931-42. The 1864-1894 map is enclosed.

The supporting photo record from the last pre-application proposal states that the gate house was built circa 1650.

In 1978 planning permission was granted for 'Erection of two storey extension to rear of dwellinghouse'. In 1989 planning permission was granted for a 'Single-storey rear extension'. It is likely that these account for the remainder of the building.

There is other planning history for the outbuilding.

It is considered that part of the Tudor Revival style is of some historic and architectural interest. The 1970s addition though is of no special interest in its own right.

Appraisal

This proposal follows pre-application advice.

The proposal would cause some harm to the special interest of this locally listed building given the further addition on the Clamp Hill side adjoining the historic locally listed building and the very large rear garden terrace proposed. Since this house was designed as a gate house to a larger house it was only ever designed as a reasonably small cottage and the extensions already added to this having greatly increased its original bulk and mass. The existing extensions have been respectful in that they do not enclose all elevations and the roof of the extension is set below the existing roof height of the lodge. To add yet again to this, and enclosing the original gatehouse even more, would be harmful to this special character. Both public and private views of a locally listed building are important and this proposal would impact on both.

However, it is noted that the proposal would include works of repair to the existing locally listed building that are needed and would help ensure its ongoing conservation, and some removal of outbuildings and some removal of hardstanding which are harmful to the setting of the locally listed building. My view is that it should be conditioned that these repair/improvement works are carried out prior to the commencement of the extension, namely:

- 1) removal of the infilling of the crenulations
- 2) repair works
- 3) removal of hardstanding shown
- 4) Removal of changing room, plant room, swimming pool and tennis court

If this condition was added, and materials and brickwork bond ie arrangement of the bricks were conditioned to match, then the proposal would comply with relevant heritage policy.

The proposal should be weighed against paragraph 197 of the NPPF in particular. This states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The Council's own adopted Locally Listed Buildings SPD is an important consideration. This is available at this link:

http://www.harrow.gov.uk/info/200162/conservation_and_biodiversity/857/locally_listed_buildings

Summary and conclusion

The proposal adds yet more to excessive in scale in relation to the original lodge which would cause some harm. However, subject to repair and improvement works being conditioned to be carried out before the extension and materials and brickwork bond being conditioned to match, the proposal would be appropriate.

Relevant policy and guidance

NPPF paragraphs 189, 190, 192, 197

London Plan policy 7.8 C and D

Harrow Core Strategy policy CS1

Development Management Policies Local Plan policy DM 7

Locally Listed Buildings SPD

LBH Tree Officer

It's not clear what the full tree impact of the proposals would be, as I can't find a survey or impact assessment in the documents.

It does appear that the enlarged footprint would not encroach directly onto existing trees (there are both unprotected and protected trees on the site, with some notable TPOs including a Wellingtonia to the rear); the proposed new garage appears to be located in an area already hardstanding (the existing tennis court)

If this is the case and no trees are proposed for removal, then a site-specific tree protection plan and method statement, needs to be provided to demonstrate how existing retained trees are to be protected during the development

5.0 POLICIES

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

5.2 The Government has issued the National Planning Policy Framework [NPPF 2019] sets out the Government's planning policies for England and how these should be applied, and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2016 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 While this application has been principally considered against the adopted London Plan (2016) policies, some regard has also been given to relevant policies in the

Draft London Plan (2019), as this will eventually replace the current London Plan (2016) when adopted and forms part of the development plan for the Borough.

5.5 The document was originally published in draft form in December 2017 and subject to Examination in Public (EiP) with the Panel's report published in October 2019. The Mayor of London has considered these recommendations, and has either accepted them or where not, provided justification as to why accepting them would not be appropriate. The Mayor has now submitted to the Secretary of State an 'Intend to Publish' version of The Plan. It is for the Secretary of State to determine whether he agrees with the revised Plan and it ought to be published in that form.

5.6 The Draft London Plan is a material planning consideration that holds significant weight in determining planning applications, with relevant policies referenced within the report below and a summary within Informative 1.

6.0 ASSESSMENT

6.1 The main issues are:

- Principle of Development within the Green Belt
- Impact on Character and Appearance of the Locally Listed Building
- Residential Amenity
- Trees
- Development and Flood Risk

6.2 Principle of Development within the Green Belt

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 7.16
- The Draft London Plan Intend to Publish Version (2019): G2
- Harrow Core Strategy (2012): CS1.F
- Harrow Development Management Policies (2013): DM 16

6.2.2 The dwelling has already been significantly extended with a two storey side extension and integral attached garage and a single and two storey rear extension. It is also noted that there is an existing boundary wall which spans the full width of the front boundary to a height of 1.4 metres. It is noted that the proposal includes the removal of the existing changing room outbuilding located adjacent to the front boundary and the removal of the existing tennis court along the side boundary which would have some visual and spatial impact by opening up part of the site.

The proposed extensions

6.2.3 Below is a table of the calculations made in respect of the original and the existing building and the proposed development, including changes in the amount of hardstanding on site and the removal of an existing outbuilding.

| | Original Dwelling | Existing Dwelling | Proposed Dwelling | % Change from original |
|-------------------|-------------------|-------------------|-------------------|------------------------|
| Footprint (m2) | 130.7 | 235 | 261 | +99% |
| Floor space (m2) | 199.8 | 383 | 482 | +141% |
| Volume (m2) | 715 | 1310 | 1412.3 | +98% |
| Hardstanding (m2) | N/A | 1028 | 342.5 | -67% |
| Outbuilding | 0 | 80 | 47.3 | -41% |

6.2.4 Based on the planning history for the site, the LPA consider that the original dwellinghouse had a footprint of approximately 130.7m² and that the existing footprint of the building is approximately 235m². The proposed extensions would increase the footprint of the dwellinghouse to approximately 261m² which would result in an increase over the original dwellinghouse of 99%. In addition, the extensions would increase the floor space by 141% above original, and the volume by 98% above the volume of the original dwellinghouse. Accordingly the proposed extensions and the existing extensions to the original dwellinghouse, when considered cumulatively, would represent significant disproportionate additions and would result in inappropriate development which cannot be outweighed by other considerations.

6.2.5 It is noted that in spatial terms the proposed extension would to some degree appear visually contained within the existing envelope of the building, due to its position on the side elevation and set back behind the existing side building line which fronts Clamp Hill. As such it is not considered that the proposed extension has a significant visual impact in Green Belt terms. However the spatial and visual assessment of the proposed is not the sole test of whether or not the proposed development is found to be appropriate in the Green Belt, and this is not considered to outweigh the harm by reason of inappropriateness which must be given significant weight.

6.2.6 Examples have been given within the Planning Statement submitted with this application of existing permissions within and outside the borough. The first of these is York House, Pinner, reference P/2179/18; whereby the Council granted planning permission for a two storey rear extension within the Green Belt. This proposal comprised increases in footprint and floor space of 28.61% and 83.5 % respectively. These increases are below the increases in volume, floor space and in footprint of this proposal and are not therefore considered a comparable to the proposed scheme. Further, in the inspectors appeal reference APP/M5450/D/12/2187009 at Antolido, Potter Street Hill, Pinner, where the Council refused permission for 'a new pitched roof over existing garage for larger bedroom'; the inspector concluded that percentage increases of 48% in floor area, and 44% in volume were 'substantial' and that when aggregated with past extensions, the proposals would result in disproportionate additions over and above the size of the original building.

6.2.7 It is noted that percentage increases are not the sole assessment for concluding whether development is proportionate to the size of the original building. However, in the inspectors appeal decision reference APP/M5450/D/19/3232674 against the

Council to refuse permission for a part single storey part double storey side/rear extension, roof extension and patio extension, the inspector concluded that 'there is no defined way of assessing and measuring proportionality, but the NPPF refers to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floor space'. As such the inspector concluded that the scale of the extensions (which in this instance related to increases in volume of 60% and in footprint of 122%) would subsume in their scale, the proportions of the original dwelling, and would therefore be considered disproportionate.

- 6.2.8 A further example provided in the supporting Planning Statement with this application is for Castlewood, Pinner Hill, reference P/0548/11 whereby the Council granted permission for a replacement dwellinghouse. This example was assessed upon its own merits and against a separate section of the National Planning Policy Framework in terms of exceptions to proposed development being inappropriate in the Green Belt. As such this latter example is not considered to be comparable to the proposal.
- 6.2.9 In conclusion, the proposed two storey side to rear extension is considered inappropriate development within the Green Belt for which a case for very special circumstances has not been demonstrated which would outweigh the harm by reason of inappropriateness. The proposed side to rear extension is therefore contrary to the National Planning Policy Framework (2019), Policy 7.16B of The London Plan (2016), Policy G2 of the Draft London Plan (2016), Core Policy CS1.F of the Harrow Core Strategy (2012), and Policy DM 16 of the Harrow Development Management Policies Local Plan (2013).

The Car Port

- 6.2.10 The proposed car port would not fall within the list of exceptions in paragraph 145 of the National Planning Policy Framework and would be regarded as inappropriate development in the Green Belt. By definition this would harm the Green Belt and should not be approved except under very special circumstances.
- 6.2.11 The inspector, in their assessment of the appeal reference APP/M5450/D/15/3133689 against the Councils decision to refuse planning permission for a new detached double garage and a summer outhouse building at Mickledore, Potters Street Hill, Pinner, Harrow, noted that the construction of a detached garage did not fall within any of the exceptions. It is noted that there is an existing outbuilding on site adjacent to the front boundary which would be demolished as part of the proposals. It is however noted that this outbuilding was given planning permission in a different policy context and that this would not provide a set of very special circumstances with which to justify the harm caused by reason of inappropriateness. Furthermore, due to the proposed siting of the car port in a prominent position set away from the buildings front elevation, it is considered that this would result in the car port being readily visible from the street scene and accordingly there would be a spatial and visual impact on the openness of the existing site for which no very special circumstances have been demonstrated which would outweigh this harm.
- 6.2.12 In conclusion, the proposed car port is unacceptable in principle and would cause harm to the openness of the existing Green Belt site. No case for very special

circumstances has been demonstrated which would outweigh the harm caused by reason of inappropriateness.

The Boundary Wall

- 6.2.13 The exceptions listed within paragraph 145 of the National Planning Policy Framework do not include the construction of gates, fences or walls. As such the proposed boundary treatment is considered unacceptable in principle.
- 6.2.14 It is noted that there is existing boundary treatment on site however this has a maximum height of 1.4 metres and is immune from enforcement action by virtue of the time limit set out in Section 171.B of the Town and Country Planning Act 1990.
- 6.2.15 In the Inspectors assessment of an appeal against the Councils refusal to grant permission for boundary treatment at Belswood Cottage, Heathbourne Road, Stanmore, (reference APP/M5450/D15/3134268), it was noted that 'Paragraph 89 of the National Planning Policy Framework' (then the 2012 version)..., 'sets out the limited purposes for which the construction of buildings will not be considered inappropriate. Certain other forms of development are not inappropriate providing they preserve the openness of the Green Belt and do not conflict with the purposes of including within the Green Belt.'... The inspector goes on to note... 'This does not include the construction of gates and fences. I therefore consider that the proposed development would constitute inappropriate development in the Green Belt and would not accord with London Plan Policy 7.16 and CS Policy CS1.F or the Framework.'
- 6.2.16 Furthermore, in the inspectors assessment of the appeal reference APP/M5450/D/14/2216456, at Xanadu, Potters Street Hill, Pinner, for the appeal against the Council to refuse planning permission for a new site access and gates; the inspector concluded that there were no considerations in favour of the proposal which would clearly outweigh the general presumption against inappropriate development and that substantial harm should be attached to the harm caused by reason of inappropriateness.
- 6.2.17 As such, the proposed boundary treatment, due to its prominent siting and height, would result in visual and spatial harm to the openness of the existing Green Belt site for which there are no very special circumstances which outweigh this harm.
- 6.2.18 In conclusion, the proposed boundary wall with piers and gates is considered inappropriate development within the Green Belt for which no cases for very special circumstances have been demonstrated which would outweigh the harm caused by reason of inappropriateness. Further, the siting and height of the proposed boundary treatment is considered to represent visual and spatial harm to the openness of this Green Belt site, contrary to the National Planning Policy Framework (2019), Policy 7.16B of The London Plan (2016), Policy G2 of the Draft London Plan Intend to Publish Version (2019), Core Policies CS1.B and CS1.F of the Harrow Core Strategy (2012) and Policies DM1 and DM16 of the Harrow Development Management Policies Local Plan (2013).

6.3 Impact on the Character and Appearance of the Locally Listed Building

6.3.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2016): 7.4B, 7.8
- The Draft London Plan (Intend to Publish Version) (2019): HC1
- Harrow Core Strategy (2012): CS1.B
- Harrow Development Management Policies (2013): DM1, DM7

6.3.2 The dwellinghouse Hermitage Gate is locally listed. The outline around the locally listed building indicates the whole building is locally listed. The local list description is for identification purposes but indicates significance as it says: '2 storey red brick and mock half-timbered building of irregular plan. Features a tower'.

6.3.3 The proposal would cause some harm to the locally listed building owing to the siting of the proposed two storey side to rear extension, and the size of the terracing area proposed. It is noted that the original dwelling has been significantly extended and that the proposal would add to this by enclosing the original gate house further. Both public and private views of the locally listed building would be impacted. However, the existing tennis courts and outbuildings which are harmful to the setting of the locally listed building would be removed as part of the proposals. It is also noted, having regard to the provisions of Paragraph 197 of the National Planning Policy Framework, that repair works to the locally listed building would ensure its ongoing conservation. These repair works would include the repair and maintenance of the existing main roof, the repair and re pointing of chimney stack and brick parapets.

6.3.4 In conclusion and on balance, it is considered that the benefits of the proposal would outweigh any harm caused to the locally listed building and that should this application have been acceptable in other aspects, suitable conditions could be placed on the permission to ensure that the existing tennis courts and outbuildings were removed and that repair works completed prior to the commencement of development. In addition, the Council's conservation officer has been consulted on the proposals and raises no objection, subject to these conditions.

6.4 Residential Amenity

6.4.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2016): 7.6
- The Draft London Plan (Intend to Publish Version) (2019): D4
- Harrow Core Strategy (2012): CS1.B
- Harrow Development Management Policies (2013): DM1

6.4.2 The nearest neighbouring residential dwellings are located at Belgrano Cottages which are located over 170 metres north east of the existing property, as such there are no concerns raised with regard to outlook of neighbours or loss of privacy.

6.4.3 In conclusion, the proposal would have an acceptable impact on the privacy and outlook of neighbours and is accordingly in line with the relevant policies.

6.5 Trees

6.5.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2016): 7.21
- The Draft London Plan (Intend to Publish Version) (2019): G7
- Harrow Core Strategy (2012): CS1.B
- Harrow Development Management Policies (2013): DM22

6.5.2 It is noted that the existing site is located to the north of a group tree protection order and that there are a number of individually protected trees within the rear garden of the existing site. There are no plans which indicate that the proposed works would encroach on to the protection areas of existing trees. As such the proposal is considered to have an acceptable impact on the long term viability of trees, subject to a site-specific tree protection plan and method statement which could be provided by condition if the proposals were acceptable in principle.

6.5.3 In addition, the Council's tree officer has been consulted and raises no objections to the proposals subject to conditions.

6.5.4 In conclusion, it is therefore considered that the proposal would have an acceptable impact with regards to protected trees on site and accordingly is in line with the relevant policies.

6.6 Development and Flood Risk

6.6.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2016): 5.13
- The Draft London Plan (Intend to Publish Version) (2019): S113
- Harrow Core Strategy (2012): CS1
- Harrow Development Management Policies (2013): DM10

6.6.2 The application site is not located within a critical drainage area or flood zone. As such there are no objections or concerns raised.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

7.1 The application is considered to result in inappropriate development in the greenbelt and no very special circumstances have been advanced to offset the identified harm. Accordingly, this application is recommended for refusal.

APPENDIX 1: INFORMATIVES

1. Policies

1. The following policies are relevant to this decision:

National Planning Policy Framework (2019)

The London Plan (2016):

- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.16 Green Belt
- 7.21 Trees and Woodlands

The Draft London Plan – Intend to publish version (2019)

- D4 Delivering Good Design
- G2 Londons Green Belt
- G7 Trees and Woodlands
- HC1 Heritage Conservation and Growth

Harrow Core Strategy (2012):

- Core policy CS1.B

Harrow Development Management Policies Local Plan (2013):

- DM1: Achieving a High Standard of Development
- DM7: Heritage Assets
- DM16: Maintaining the openness of the Green Belt and Metropolitan Open Land
- DM22: Trees and Landscaping

Supplementary Planning Documents:

- Supplementary Planning Document Residential Design Guide (2010)

2. Refuse with pre app

CHECKED

APPENDIX 1: PLANS

| | |
|--------------------------------|--------------------------------|
| Interim Chief Planning Officer | Orla Murphy pp Beverley Kuchar |
| Corporate Director | Hugh Peart 13.7.2020 |

List of plans:

Design and Access Statement; Heritage Statement; Planning Statement; 3D Images Document; Condition statement ; 17013 L.01.I; 17013 L.01.1; 17013 L.01.2; 17013 L.01.3; 17013 L.01.4; 17013 L.01.5; 17013 L.01.7; 17013 L.01.8; 17013 L.01.9; 17013 L.03.1; 17013 L.03.2; 17013 L.03.3; 17013 L.03.4; 17013 L.04.1; 17013 L.04.2; 17013 L.04.3; 17013 L.04.4; 17013 L.04.5; 17013 L.04.6

Two storey side/rear extension: proposed side elevation (Clamp Hill street scene)



Car port: proposed elevation



× carport >

Gates: proposed elevations



APPENDIX 3: SITE PHOTOGRAPHS

Existing front/side elevation



Existing rear elevation



Existing street side/corner of front and side elevation



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Appeal Decision

Site visit made on 8 January 2013

by R W Grantham BSc MRSC MCIWEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 January 2013

Appeal Ref: APP/M5450/D/12/2187009

Antolido, Potter Street Hill, PINNER, Middlesex, HA5 3YH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Olins against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1564/12 was refused by notice dated 13 August 2012.
 - The development proposed is new pitched roof over existing garage for larger bedroom.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. On the appeal form, and on the Council's refusal notice, the development is described as a "first floor side extension over existing garage; raising height of part of the ridge of the existing dwellinghouse and external alterations". I have determined the appeal on this basis, as this revised description describes the proposals more accurately than the description given in the bullet points above, which is taken from the application form.

Main Issue

3. Antolido is in the Green Belt (GB), the Pinner Hill Conservation Area (CA) and the Harrow Weald Area of Special Character (ASC). The main issue raised by this appeal is whether the proposals represent inappropriate development in the GB and, if so, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify the development.

Reasons

4. The appellant's detached house, which was formerly known as Hunters Lodge, has the appearance of an 'Arts and Crafts' building. Planning permission, for it, was granted in 1955.
5. This 2-storey building is set back behind, and to the east of, protected trees on the Potter Street Hill frontage. Following successful appeals in 2001¹, it was extended to the south to provide a 2-storey addition and a flat roofed single storey garage; thereby replacing a detached double garage which already existed here.

¹ APP/M5450/A/01/1068580 and 1069408

6. In allowing those appeals, the Inspector noted that the proposals would appear subservient to the main house and would add only limited bulk, given the existing garage and the reduced ridge height of the 2-storey element, when compared with the existing building. That element is approximately 1.5m below the main ridge. The attached garage is considerably lower.
7. In addition to providing a new front dormer, the development now proposed would raise the ridge of that 2-storey extension by about a metre and alter the form of its roof. The first floor extension, above the garage, would be almost as high and would add considerable bulk. The dwelling's footprint would remain unchanged, but its massing would be fundamentally altered and the subservience, of the southern wing, would be largely lost; thereby creating a significant imbalance in the building's appearance.
8. When taken together with earlier extensions, these proposals would result in a dwelling that is some 48% larger than the original, in terms of floor area, and about 44% larger in terms of volume. The increases are substantial, but smaller than those considered at an earlier appeal² here. In dismissing those earlier proposals, the Inspector noted that the aggregate increase in size would have been more than 50%, which he found a useful indicator and one which demonstrated that the increase would not be at all modest. He did not say that a lower increase would necessarily be acceptable; rather, he accepted that the assessment of what amounts to a disproportionate addition, in any particular case, should be based on judgement and not only on mathematical calculation.
9. In the current case, the raising of the ridge and the added bulk above the garage would occupy space which is seen to separate Antolido from Brookside, the neighbouring dwelling to the south. This loss of openness would be significant because, although this neighbouring bungalow is on lower ground, it is only a short distance away. The retention of a sense of spaciousness between these two properties was one of the considerations which led to the 2001 appeals being allowed. If the current appeal scheme were to proceed, that spaciousness would be substantially reduced.
10. I am led to conclude that, when aggregated with the past extensions, the appeal proposals would result in disproportionate additions over and above the size of the original building. This would be contrary to the requirements of UDP³ Policy EP34 and the scheme would represent inappropriate development in the GB, when considered against the National Planning Policy Framework.
11. Inappropriate development is, by definition, harmful to the GB. Added to this, and contrary to CS⁴ Policy CS1.F, the loss of openness between Antolido and Brookside would erode the quality of the GB here. Harm to the GB attracts substantial weight in this appeal.
12. The CA is valued for its low density of development and for the high architectural quality of its buildings; features which also contribute to the special character of the ASC. In recognition of this, SPD⁵ seeks to protect the gaps between buildings and to ensure that material alterations to a building will protect the appearance of its elevations.

² APP/M5450/D/12/2169866

³ Harrow Unitary Development Plan 2004

⁴ Harrow Core Strategy 2012

⁵ Supplementary Planning Document, Pinner Conservation Areas (2009)

13. As outlined above, however, the alterations here would disrupt the architectural balance of the appellant's house. A 'terracing' effect would be introduced. The southern extension, overall, would compete with the design of the original building and the roof's appearance would become confused; the impact of which would be aggravated by an eyebrow dormer window squeezed in above the garage. This would be contrary to the principles of good design as required by UDP Policies D4 and D15, and as described in Council guidance⁶.
14. The proposed changes would reduce the space between the main bulk of Antolido, and Brookside, and the relationship between these two buildings. As things stand, the height of Antolido's roof falls in significant steps from the main ridge down to the subservient 2-storey extension and thence to the flat roofed garage; beyond which the land remains level for a few metres before sloping steeply down towards Brookside. This gradation of roof height, which is complemented by the slopes of its hipped ends, respects the topography and the design of the original building on the appeal site. The current proposals do not and, to that extent, they fail to satisfy LP⁷ Policy 7.4.B.
15. In design terms, the flat roof of the garage sits a little uncomfortably alongside the pitched roofs which cover other parts of the building. Its replacement would therefore moderate the harm that the scheme would otherwise cause to the character and appearance of the area, but this does not warrant the height, bulk and complexity of alterations that are now proposed. Notwithstanding the lack of pavement, on Potter Street Hill, these works would affect a first floor part of the building which is at the head of the short driveway that leads straight up from the road. On that basis, it would be relatively prominent in the views of passers-by, particularly when the frontage trees are not in leaf.
16. The window design and external materials, to be used in the development, would match the existing building. But, as I have explained, the scale of the southern wing, following these works, would be inappropriate. The appeal scheme would fail to preserve or enhance the character or appearance of the CA and ASC, even though the harm caused would be limited by the loss of the garage's flat roof. There would be conflict, in this respect, with CS Policies CS1.D and CS6.A, with UDP Policies D15.E and EP31, and with LP Policy 7.8.D.
17. In terms set out by the Framework, the harm to the significance of the (CA) designated heritage asset would be less than substantial. Nevertheless, it both adds to my concerns regarding harm to the GB and would not be outweighed by the benefits of replacing the garage's flat roof.
18. I am led to conclude that the other considerations in this case are not sufficient to clearly outweigh the harm that the development would cause to the GB, to the CA and to the ASC. The very special circumstances needed to justify the development therefore do not exist and the proposals run contrary to LP Policy 7.16.B and to the Framework's recent (2012) expression of government policy.
19. I have taken account of all other matters raised but, for the reasons given above, I conclude that the appeal should be dismissed.

R Grantham

INSPECTOR

⁶ Harrow Residential Design Guide, Supplementary Planning Document (2010)

⁷ The London Plan (2011)

Appeal Decision

Site visit made on 5 February 2016

by Mrs H M Higenbottam BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2016

Appeal Ref: APP/M5354/D/15/3134268

Belswood Cottage, Heathbourne Road, Stanmore, Middlesex HA7 3JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Gattas against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/1903/15, dated 9 April 2015, was refused by notice dated 13 July 2015.
 - The development proposed is to reduce the vehicle access, and access gates and boundary fence, hard and soft landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Whilst the appellant refers to three reasons for refusal, the third being related to highway safety, the decision notice only records two reasons for refusal. I will therefore deal with the appeal in relation to those two recorded reasons for refusal.

Main Issues

1. The main issues are
 - whether the proposed development would constitute inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - the effect on the openness of the Green Belt;
 - the effect on the character and appearance of the area, including the setting of the locally listed building Belswood Cottage;
 - if inappropriate development, whether the potential harm to the Green Belt by way of inappropriate development and any other harm is clearly outweighed by other considerations so as to constitute the very special circumstances necessary to justify inappropriate development.

Reasons

2. Belswood Cottage is a two storey detached dwellinghouse on the eastern side of the road, close to the junction with Magpie Hall Road. The Council state that
-

- the dwelling is locally listed; the original part of the cottage, pre 1884, was known as 'Stanmore Villa'. It is constructed of pale brick under a slate roof.
3. The existing access has two entrance points with an intervening conifer hedge, behind which is tarmac surfacing. An access track leads from this tarmac area to a detached garage in the north west corner of the site. There is an existing close boarded fence, 1.8m high, behind a narrow grass verge to the north of one access point. A further boundary fence, again of 1.8m high close boarded fencing, separates the access track from the front of the dwelling/garden. Another section of 1.8m close boarded fence is to the south of the second access point running parallel to the Heathbourne Road.
 4. The proposal is to remove the conifer hedge and to have one access point narrowing to 3.6m at the proposed double gate, which itself would be set back 5m from the carriageway. There would be gate piers supporting the gates and pedestrian access gates in the splays either side of those piers. Low level planting is indicated in the splays and on the verge in front of the proposed fencing either side of the new reduced width access point. Close boarded fencing, 1.6m high, would be either side of the splays. The existing 1.8m close boarded fences to the north and south of the access points would remain and connect up with the new 1.6m high fencing proposed. The existing 1.8m high close boarded fence, behind the access track would be removed and the vehicle turning area would be behind the double gates.

Inappropriate Development in the Green Belt

5. Policy 7.16 of the London Plan (2011) (LP) strongly supports the current extent of the Green Belt and its protection from inappropriate development in accordance with national guidance. Policy CS1.F of Harrow's Core Strategy (CS) (2012) seeks to safeguard the quantity and quality of the Green Belt from inappropriate development.
6. The Framework indicates that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
7. Paragraph 89 of the Framework sets out the limited purposes for which the construction of buildings¹ will not be considered inappropriate. This does not include the construction of gates, walls and fences. Certain other forms of development are not inappropriate providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within Green Belt (paragraph 90). Again this does not include the construction of gates and fences. I therefore consider that the proposed development would constitute inappropriate development in the Green Belt and would not accord with LP policy 7.16 and CS policy CS1.F or the Framework.

Openness

8. The Framework states that one of the essential characteristics of Green Belts is their openness. The proposed gates and fences (1.6m high) would replace existing fencing which is 1.8m high set behind the existing access track. The

¹ S 336 of the 1990 Act defines 'buildings' as any structure or erection and so includes fences, walls and gates.

appellant states that 16m of 1.8m fencing would be removed and 17m of 1.6m fencing is proposed. The new fencing and gates would be at a lower height of 1.6m although the piers would be about 1.9m high. Taking this into account there would be a negligible effect on openness resulting from the proposal, albeit the fence/gates would be set further forward in the site than those that it would replace. I therefore do not consider that this weighs against the proposed development.

Character and Appearance

9. The existing frontage is dominant within the street scene and the conifer hedge adds little relief and appears unconnected with the street scene, with views of the tarmac track and the fence beyond.
10. Some properties to the immediate south have low fences and vegetation to their frontages. However, the properties opposite have close boarded fences (roughly 1.6/1.8m high) and Birchville Court (diagonally opposite) has brick flares and timber vertical boarded gates. Overall, due to the vegetation and particularly trees within gardens and vegetation close to boundary fences or viewed over them, the narrow carriageway of the road and only a single pavement on the east side of the road, there is a semi-rural quality to the area.
11. The proposal would simplify the access arrangements, retaining only one access point for the property with a gate and more traditional arrangement whereby vehicles enter the site and are not segregated from the dwelling. The removal of the fence close to the dwelling would provide an enhanced setting for the building, which is locally listed. The Council state that tall timber gates would harm the setting of the locally listed building. They would provide an impervious and hard urban form of boundary which would detract from the setting of the locally listed building.
12. There would be some benefits to the setting of the locally listed building by providing more space between the building and the boundary fence/gates arrangement. However, the form of the gates would dominate the immediate setting of the building and would appear at odds with semi-rural character of the street scene and harm the setting of the listed building. The limited areas for planting within the verge areas would not mitigate this harm although it would increase the area of verge/planting along the frontage as one access point would be removed and become verge/planting.
13. Whilst there would be some benefits to the setting of the locally listed building as a result of increased space between it and the boundary fencing, that setting would be dominated by the impervious gates and piers proposed. As such I consider that there would be harm, albeit limited. The National Planning Policy Framework (the Framework) sets out that great weight should be given to the conservation of heritage assets, i.e. the locally listed building. Where there is harm to a heritage asset which is less than substantial harm, as in this case, the public benefit of the proposal must be taken into account, but I find no public benefit which would outweigh the harm which I have identified.
14. I conclude that the proposed development would harm the character, appearance and visual amenity of the area and would not preserve the setting of the locally listed building. As such it would not accord with LP policies 7.4B, 7.21 which seek a high quality design appropriate to its context, compliment the local architectural character. It would also be contrary to CS policies CS.1

B, and CS.6B and policies DM1, DM6 and DM22 of the London Borough of Harrow Development Management Policies (July 2013) (DMP) which, among other things seek to maintain local character and appearance, respond positively to the local and historic context, reinforce positive attributes of local distinctiveness, achieve a suitable setting for the building and provide sufficient space for new or existing trees and planting. This weighs against the proposed development.

Other Considerations

15. The appellant refers to planning permission reference P/468/04/CFU and that this remains extant 'given that some but not all of it has been built'. The remaining 'unbuilt' elements comprise alterations to the accesses, fencing and gates. However, I have insufficient information on this matter, in that the decision notice and all the approved plans have not been provided.
16. Furthermore, whilst the Council have not disputed this, there is no clear acknowledgement from the Council that the appellant's conclusion that there is an extant planning permission for a fall back for some form of access, fence and gates at the appeal site. I can therefore attach no significant weight to this matter.
17. The appellant considers that the reduction of the number of accesses onto Heathbourne Road is a positive attribute of the scheme. However, there is no technical evidence to support this contention or to show that the existing access arrangement raises any highway safety issues and I note the Council's position that the proposal would not result in harm to highway safety. This is neutral in the planning balance.

The Green Belt Balance

18. There is substantial harm to the Green Belt by way of inappropriate development and harm to the character and appearance of the area and the setting of the locally listed building. The lack of harm to the openness of the Green Belt does not weigh in favour of the proposal. I am not satisfied that a fall back has been adequately demonstrated nor that there would be positive highway safety benefits that would outweigh these harms. As such, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Hilda Higenbottam

Inspector

Appeal Decision

Site visit made on 14 December 2015

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 December 2015

Appeal Ref: APP/M5450/D/15/3133689

Mickledore, Potter Street Hill, Pinner, Harrow HA5 3YH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hitesh Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2016/15, dated 5 May 2015, was refused by notice dated 24 July 2015.
 - The development proposed is a new detached double garage and a summer outhouse building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether or not the proposal constitutes inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) whether or not the proposal would preserve or enhance the character or appearance of the Pinner Hill Estate Conservation Area; and
 - iv) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

3. The National Planning Policy Framework ('Framework') states at paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. It continues at paragraph 87 that inappropriate development is, by definition, harmful, and should not be
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approved except in very special circumstances. At paragraph 89 it regards the construction of new buildings as inappropriate, unless, amongst other things, it is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

4. Policy 7.16B of the London Plan 2015 ('LP') and policy DM 16 of the Harrow Development Management Policies Local Plan 2013 ('DMP') with their supporting text both refer to the Framework and take a similar approach to it. Paragraph 5.8 of the DMP states that proposals for the development of residential gardens will constitute inappropriate development, but that the extension and alteration of dwellings will be assessed in accordance with the Framework and LP policy 7.16. Finally Harrow Core Strategy 2012 ('CS') policy CS 1F states that the quality and quantity of the Green Belt shall not be eroded.
5. The Council maintains that the proposed erection of an outbuilding and a garage does not fall within any of the exceptions listed at paragraph 89 of the Framework, and that both elements are therefore inappropriate development. However, it considers that, under permitted development rights, an outbuilding of very slightly smaller size to the proposed summer outhouse could be erected in the same location without the need for planning permission. With due regard to that fallback, it raises no objection to that element of the proposal, but objects to the double garage.
6. For my part, I agree that a strict interpretation of paragraph 89 would conclude that neither element of the scheme complies with the listed exceptions. However, in my view, a new ancillary outbuilding within a domestic curtilage could, in certain circumstances, be regarded as an 'extension' to a dwelling, where it is functionally related, and physically close, to it.
7. Mickledore is a relatively modestly-proportioned single storey dwelling, albeit with first floor accommodation within part of its roofspace. I have limited information before me regarding the size and scale of the original building or any subsequent extensions. However, I note that the officer report refers to an extension to the rear of the converted garage.
8. Drawing no. A107 shows that the proposed double garage, which would be relatively close to the dwelling, would be 35sqm, and that the more distant summer outhouse would be 23sqm. Both would have a ridged roof with gables, although the garage would also have curved roof features. Given their size and form, and when considered cumulatively alongside the existing rear extension, I am not persuaded from the evidence before me that the two proposed buildings would not result in disproportionate additions over and above the size of the original building.
9. I therefore conclude that the scheme would be inappropriate development in the Green Belt, and that it would therefore conflict with the Framework and with LP policy 7.16B, policy DM 16 of the DMP, and CS policy CS 1F.

The effect on the openness of the Green Belt

10. I appreciate that this property is a small part of a far more extensive area of Green Belt. It is also well screened by trees and other vegetation, and the proposed summer outhouse in particular would be barely visible, if at all, from public viewpoints. However, with regard to paragraph 79 of the Framework,

'openness' broadly means an absence of buildings or development, regardless of how obtrusive or screened they may be.

11. In increasing the amount of built development on the site this scheme would have an impact on the openness of the area, albeit, with regard to the proposed buildings' single storey form, that impact would be limited. Nevertheless, the limited harm caused to the Green Belt's openness would be contrary to paragraph 79 of the Framework, and policies 7.16B of the LP, DM 16 of the DMP, and CS policy CS 1F.

The effect on the conservation area

12. Paragraph 132 of Framework states that when considering the impact of proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. There is also a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies 7.8 of the LP, CS 1D of the CS and DM 7 of the DMP broadly reflect that approach.
13. Mickledore lies within the Pinner Hill Estate Conservation Area ('CA'). A detailed description of the CA is provided in the Pinner Hill Estate Conservation Area Appraisal and Management Strategy 2009 ('CAAMS'), which I understand forms an appendix to a Supplementary Planning Document. In brief summary, the buildings here are of an individual design, with differing architectural styles and building sizes. They generally stand back from the sinuous roads within spacious, landscaped plots. Those characteristics give the area a semi-rural and sylvan quality. Mickledore itself accords with those broad characteristics and therefore makes a positive contribution to the CA's character and appearance.
14. The Council considers that due to the proposed summer outhouse's secluded location and its modest height, its impact on the CA would be acceptable. Although I have considered a representation from a local resident objecting to any new building on this plot, given this proposed outbuilding's siting, size, form and materials, I agree with the Council's conclusion.
15. Turning to the proposed double garage, the Council contends that its curved roof design would be unacceptable. It refers in particular to paragraph 9.90 of CAAMS which sets out the pressure from development which threatens to damage the original character of the CA's buildings by detracting attention from the original design, or by reducing the size of the large gardens and disrupting the continuity in the area's plan form.
16. However, in my view, the curved roof features would pick up on the curved form of the dormers in the dwelling. Whilst they would draw some attention to this ancillary building, I do not accept that that would in itself be harmful, if the building's overall design would be acceptable. Given the variety of buildings in the area, and that the design of some other nearby garages also picks up on design features in the host property, such as the roof form of the garage at no. 1 Potter Heights Close, no harm would be caused here. Although the garage would be sited between the dwelling and the road, so are others in the area, such as at Southerly Ridge, and it would still be set well back from the highway behind landscaped screening on this very spacious plot.

17. Consequently I conclude on this matter that both elements of the proposal would preserve the character and appearance of the CA. The scheme would therefore satisfy the development plan policies and the statutory test set out at paragraph 12 above, and the more general design criteria to achieve a high standard of development in DMP policy DM 1. It would also accord with the guidance in CAAMS, and the general advice in the Residential Design Guide Supplementary Planning Document 2010.

Other considerations

18. The appellant has set out his need for a garage to provide shelter for, and prevent damage to, the household's two cars. I understand that one of those cars requires an electrical power supply to maintain the charge in the battery.

Conclusions

19. The design of the proposed double garage and the summer outhouse would be in keeping with the existing dwelling and both would preserve the character and appearance of the CA. However, for the reasons above, on the basis of the evidence before me, the proposed buildings, when considered cumulatively and alongside previous development on the site, would constitute inappropriate development in the Green Belt. Additionally they would have a limited harmful effect on the Green Belt's openness.

20. I appreciate that, as the former garage has been converted to habitable space, the appellant seeks somewhere to house his two cars. However, that consideration does not clearly outweigh the harm that I have found would be caused to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR



Appeal Decision

Site visit made on 30 September 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/M5450/D/19/3232674

Wellswood, Park View Road, Pinner HA5 3YF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Kannan against the decision of the London Borough of Harrow.
 - The application Ref P/0811/19, dated 20 February 2019, was refused by notice dated 17 April 2019.
 - The development proposed is a part single storey part double storey side/rear extension, roof extension and patio extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the dwelling and the Pinner Hill Estate Conservation Area;
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

4. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is
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- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
5. Policies DM17 and DM16 of the Harrow Development Management Policies Local Plan (the 'local plan') and policy CS1 of the Harrow Core Strategy are broadly consistent with the NPPF although there is no specific reference to the extension and alteration of a building in the Green Belt. The explanatory text at paragraph 5.8 of the local plan however does state that proposals for the extension and alteration of existing dwellings in the Green Belt will be assessed in accordance with the NPPF and Policy 7.16 of the London Plan.
 6. The proposal would comprise a number of extensions at ground, first and roof level to the rear and at both sides including the creation of three rear balconies and external alterations to the existing rear dormer, a single storey front porch infill extension, a raised patio at the rear and the installation of rooflights to the front and rear roof slopes. The proposal would also result in the removal of the existing chimneys.
 7. The appellant has provided detailed calculations of the footprint and floor area increases over the original dwelling and states that the proposal would represent a 60% increase in footprint and a 122% increase in floor area. The Council has not provided me with corresponding calculations but they consider the extensions are not proportionate. There is no defined way of assessing and measuring proportionality, but the NPPF refers to 'size'. This can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception. In this case, the increase in floorspace, depth, width at first floor, and, in places, height of the dwelling would result in a considerably greater visual bulk. Therefore, I find that the scale of the extensions would subsume the original dwelling and would be disproportionate.
 8. The appellant contends the increases would be proportional and refers to other development in the area. However, the case referred to relates to the erection of two dwellings so is not a comparable form of development and is assessed under different criteria. In any case, each proposal should be assessed on its own merits and this is the approach I have adopted.
 9. On the basis that the proposed extensions would result in disproportionate additions over and above the size of the original dwelling, I therefore find the proposal is inappropriate development in the Green Belt and would conflict with Paragraph 145(c) of the NPPF, as detailed above, and policies DM16 and DM17 of the local plan, policy CS1 of the Harrow Core Strategy, and policy 7.16 of the London Plan which together seek to resist inappropriate development in the Green Belt.

Openness

10. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The increased volume as a result of the significant extensions would have an adverse effect on the openness of the Green Belt in a spatial sense. Furthermore, the increased width of the proposed first and second floors, plus the prominence of the dwelling in the street scene, means the proposal would also have a greater visual impact on the openness of the Green Belt when seen from Park View Road. The spatial and visual impact on openness would result in significant harm to the Green Belt.

11. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. I therefore need to consider whether any other harm is caused by the development and then balance the other considerations against the totality of that harm.

Character and appearance

12. The appeal site is located in an area characterised by large detached dwellings in verdant and spacious surroundings, within the Pinner Hill Estate Conservation Area. Its special interest is derived from its wooded and tranquil atmosphere, and low-density development. The urban form of the area is of high architectural quality, with a mix of styles from Arts and Crafts, to Art Deco and Tudor Revival. The neighbouring house to the east of the appeal property is a locally listed building known as 'Naseby', which contributes positively to the significance and character of the Conservation Area because of its Tudor Revival design.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the NPPF. At paragraph 192, it sets out matters which should be considered including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 197 states that the effect of development on non-designated heritage assets should also be taken into account.
14. The extensions, in particular the bulky first floor side additions, would not complement the proportions of the existing house. Furthermore, by virtue of the scale of the side extensions, the proposal would reduce the visual gap between the existing property and the neighbouring dwellings which would reduce the spacious character of the area. Indeed, due to their size, height and proximity to the boundary, the extensions on the eastern flank of the building, would reduce the spacious gap to the locally listed building known as 'Naseby', which would negatively impact on its setting. In addition, although the appellant states that the three crown roofs would replicate the roof design of the property known as 'Sunder Nivas', on the opposite side of Park View Road, I find that those proposed would appear excessively large and would dominate the street scene.
15. Also, although the appellant states that chimneys are not a predominant feature of the area, I observed many properties in the vicinity featured chimneys, including the neighbouring properties known as 'Fairway' and 'Naseby', directly adjacent to the appeal site. The Pinner Hill Estate Conservation Area Appraisal and Management Strategy (2009) highlights that chimneys are important design features which contribute to the Arts and Crafts character of the area. The removal of the distinctive chimneys would thus damage the architectural integrity of the property and harm the wider character of the Conservation Area.
16. I also find that the proposed insertion of four rooflights within the roof slope of the front elevation would damage the appearance of the appeal property and the street scene.

17. The proposal would therefore fail to preserve the character and appearance of the dwelling and the Pinner Hill Estate Conservation Area. It would conflict with policy DM1 of the local plan and policies 7.4(B) and 7.6(B) of the London Plan which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie. It would also conflict with policy DM7 of the local plan, policy CS1 of the Harrow Core Strategy, the Pinner Hill Estate Conservation Area Appraisal and Management Strategy (2009), the Residential Design Guide Supplementary Planning Document, and guidance in the NPPF which together seek to ensure heritage assets are preserved and enhanced.

Other considerations

18. The NPPF states that inappropriate development should not be approved except in very special circumstances, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this regard, I have not been provided with any other considerations which weigh in favour of the development.

Planning Balance and Overall Conclusion

19. I consider that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight should be given to these harms. It also would fail to preserve the character and appearance of the dwelling and the Pinner Hill Estate Conservation Area and although the harm to the heritage asset is less than substantial, as noted above, there are no benefits which would outweigh that harm.

20. I conclude that there are no other considerations that clearly outweigh the harms and therefore there are no very special circumstances to justify the development. Consequently, the development conflicts with Paragraph 145(c) of the NPPF, and policies DM16 and DM17 of the local plan, policy CS1 of the Harrow Core Strategy, and policy 7.16 of the London Plan which together aim to protect the Green Belt from inappropriate development.

Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 6 May 2014

by **E A Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2014

Appeal Ref: APP/M5450/D/14/2216456

Xanadu, Potter Street Hill, Pinner, HA5 3YH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Dhillon against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3611/13 was refused by notice dated 9 January 2014.
 - The development proposed is described as new site access gates.
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Preliminary matters

1. On 6 March 2014 the Planning Practice Guidance (planning guidance) was published by the Department for Communities & Local Government. In relation to this Appeal the guidance has been considered but in light of the facts in this case the planning guidance does not alter my conclusions.

Decision

2. The appeal is dismissed.

Main issues

3. The main issues include:
 - a) Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy.
 - b) The effect of the proposal on the openness of the Green Belt and the character and appearance of the Pinner Hill Estate Conservation Area (PHCA) and the Harrow Weald Ridge Area of Special Character (ASC).
 - c) If the proposal is found to amount to inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether the proposal represents inappropriate development in the Green Belt for the purposes of the NPPF and development plan policy.

4. Section 336 of the Town and Country Planning Act 1990 defines a "building" as including any structure or erection. I agree with the view of the previous Inspector, that in the absence of any other definition fences, gates and associated infrastructure reasonably fall within this definition. Indeed, neither the Council nor the Appellant have suggested any alternative definitions or categories.

5. Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless they fall within various specific categories. The proposed access gates do not fall within any of the specified exceptions and so need to be regarded as inappropriate development in the Green Belt. As stated in paragraph 87 of the NPPF inappropriate development is, by definition, harmful to the Green Belt. In accordance with paragraph 88 of the NPPF substantial weight needs to be given to this harm.

The effect of the proposal on the openness of the Green Belt, the PHCA and the ASC.

6. The PHCA and this part of the ASC are characterised by individually designed dwellings set in generous sized mature landscaped plots, with soft planted boundaries. This together with the undulating topography, narrow lanes and the dense greenery surrounding the conservation area, contributes to the verdant and in places semi-rural character of the ASC.
7. Potter Street Hill is consistent with this character. In particular it slopes up steeply to the north, is flanked by a mature belt of trees on its west side and the dwellings are set in mature landscaped gardens, enclosed by soft planting. The entrances to the dwelling are primarily open and allow for views into the mature gardens. This adds to the spaciousness of the area, the openness of this part of the Green Belt and its verdant character.
8. Whilst the upper part of the proposed gates would be partially open in design, they would rise to approximately 1.5 metres in height. Together the proposed gates, piers and timber returns would be substantial and would appear solid in form, character and appearance. They would form a visually solid barrier which would obscure open views into the large front garden of the Appeal property. This would have an enclosing impact on the entrance to the property and the immediate street scene. At the same time the scheme would be suburban in form and appearance, which would detract from the semi-rural appearance of the street scene.
9. This would be contrary to the Supplementary Planning Document – Pinner Conservation Areas – Appendix 9: Pinner Hill Estate Conservation Area Character Appraisal and Management Strategy (2009) (SPD). It advises that gates are not usually appropriate in this semi-rural, informal environment.
10. The Appeal scheme would therefore conflict with the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open. It would also conflict with policy CS1(B), (D) & (F) of the Harrow Core Strategy and policies DM1, DM6, DM7 & DM16 of the Harrow Local Development Framework – Development Management Policies (DPD). Collectively and amongst other things these policies seek to ensure that new development reinforces the positive attributes of local distinctiveness, does not harm the character and appearance of an area, the significance of heritage assets, or ASC's and maintains the quantity and quality of open spaces within the Green Belt. It would also conflict with policies 7.4B, 7.6B, 7.8B & 7.16 of the London Plan which have similar objectives.
11. I conclude on this issue that the scheme would cause harm due to its impact on the openness of the Green Belt, the amenity of the Green Belt and the character and appearance of the PHCA and ASC and would conflict with the policies cited above. Significant weight is given to this harm.

Other considerations

12. The appellant has put forward a number of factors in support of the scheme. The Appellant has referred to a number of entrance gates within the locality, although none are directly comparable in form, size and appearance to the Appeal scheme. Despite this some of the part solid/part slatted timber gates referred to highlight how they can appear solid and can have an enclosing impact.

13. Overall the examples cited have blended into the street scene with varying degrees of success and similarly vary in their impact on the openness of the Green Belt and the character of the conservation area. Rather than setting a precedent for the Appeal scheme, they highlight the importance of assessing the impact of each proposal on its individual merits. Accordingly only a modest amount of weight is given to this factor.
14. I fully appreciate the Appellants concerns regarding security and safety, although few properties along Potter Street Hill have gates at their entrances and forward visibility of the entrances is generally good. As such I give only a moderate amount of weight to this factor.
15. I conclude that the other considerations in favour of the proposal do not clearly outweigh the general presumption against inappropriate development in the Green Belt; the substantial weight to be attached to the harm caused by the inappropriateness of the development; the harm to the openness and amenity of the Green Belt; the harm to the character and appearance of the PHCA and ASC and the conflict with policies CS1(B), (D) & (F) of the Core Strategy, policies DM1, DM6, DM7 & DM16 of the DPD, policies 7.4B, &.6B, 7.8B & 7.16 of the London Plan and the NPPF. Accordingly the necessary very special circumstances to justify the proposal have not been demonstrated.

Other matters

16. Concern has been expressed that, when shut, the proposed gates could result in vehicles either stopping within or reversing into the highway. The proposed gates would be set a sufficient distance from the road to enable two vehicles to pull into the access. This would likely cater for the day to day traffic likely to need to gain access to the property. When shut the gates could result in visitors, who were unable to access the gates, having to reverse into the highway. However, as a single dwelling the occupation of the property is likely to generate only a modest level of traffic and forward visibility of the entrance from Potter Street Hill is good. As such the proposed scheme is highly unlikely to have a materially adverse impact on highway safety.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the Appeal should be dismissed.

E Lawrence

INSPECTOR