
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