
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