



## 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

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**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