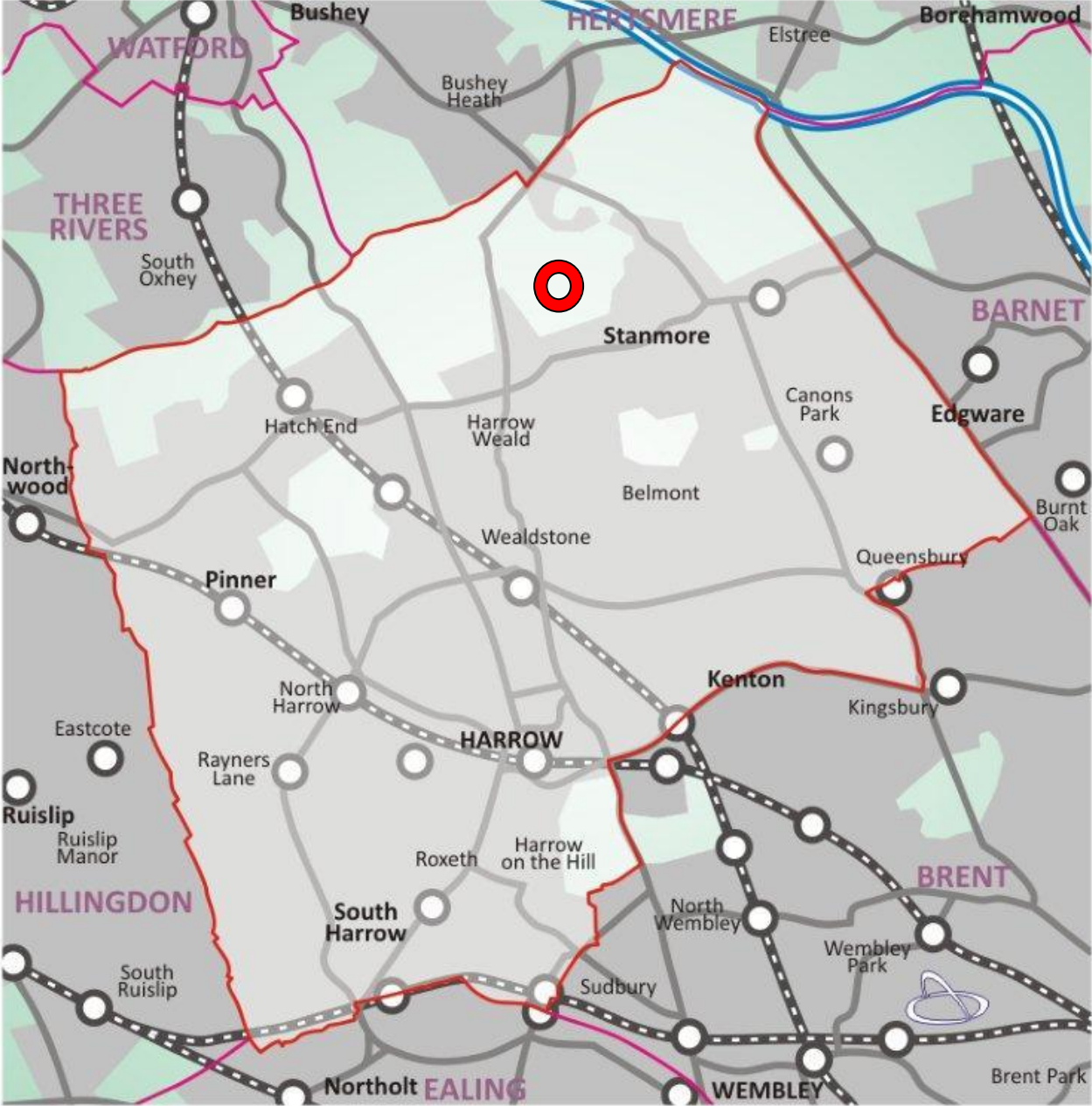
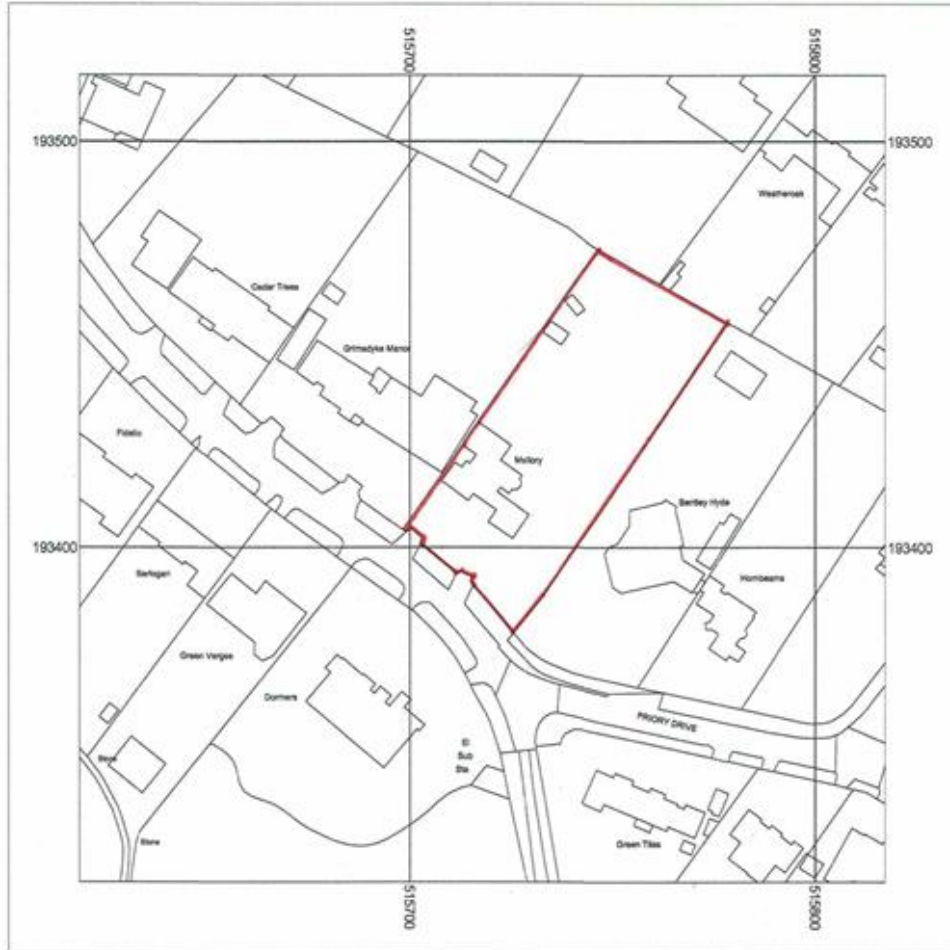


 = application site



Mallory, Priory Drive, Stanmore	P/1392/22
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Scale: 1:1250



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**Mallery
 Priory Drive
 Stanmore
 HA7 3HN**

Plot centre co-ordinates: 515718,193417
 Download file: drk_Mallery.zip
 Project name: drk_Mallery

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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

20th July 2022

APPLICATION NUMBER: P/1392/22
VALIDATE DATE: 25TH APRIL 2022
LOCATION: MALLORY, PRIORY DRIVE, STANMORE
WARD: STANMORE PARK
POSTCODE: HA7 3HN
APPLICANT: MR VEENAY SHAH
AGENT: STUART CUNLIFFE
CASE OFFICER: MUHAMMAD SALEEM
EXTENDED EXPIRY DATE: None
6TH JUNE 2022

PROPOSAL

Variation of condition 2 (approved plans) attached to planning permission P/1404/18 dated 03/08/2018 to allow alterations to basement, single storey extensions to the kitchen and living room, first floor side extension, roof modifications

RECOMMENDATION

The Planning Committee is asked to:

- 1) agree the reasons for refusal as set out in this report, and
- 2) refuse planning permission

REASON FOR THE RECOMMENDATIONS

1. The proposal, by reason of the increases in scale, mass, bulk, and volume of the replacement dwellinghouse, constitutes inappropriate development in the Green Belt and has a harmful impact on the openness and visual amenities of the Green Belt. The applicant has failed to satisfactorily demonstrate that very special circumstances exist to justify inappropriate development and that the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The development is therefore contrary to the National Planning Policy Framework (2021), Policy G2 of the London Plan (2021), Core Policy CS1(F) of the Harrow Core Strategy (2012) and Policy DM16 of the Harrow Development Management Policies Local Plan (2013).
2. The first-floor side extension, by reason of its design, roof profile and reduced ridge height, results in an awkward, squat, incongruous and disjointed roof form that is of poor design and detracts from the character and appearance of the host dwelling and the locality, contrary to the high quality design aspirations of National Planning Policy

Framework (2021), Policy D3.D (1 and 11) of the London Plan (2021), Policy CS1B of The Harrow Core Strategy (2012), Policy DM1 of Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document Residential Design Guide (2010).

INFORMATION

This application is reported to Planning Committee at the request of a nominated member. The application is therefore referred to the Planning Committee as it does not fall within any of the provisions set out at paragraphs 1(a)-1(h) of the Scheme of Delegation dated 12th December 2018.

Statutory Return Type:	(E) 18 Minor
Council Interest:	n/a
Net Additional Floorspace:	55m ²
GLA Community Infrastructure Levy (CIL):	£3,300
Local CIL requirement:	£8.967

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 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

Policy D11 of The London Plan and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk. However, had the proposal been considered acceptable a condition would have been recommended for evidence of certification of Secure by Design Accreditation for the development to be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.

1.0 SITE DESCRIPTION

- 1.1 The application site is located on the northern side of Priory Drive. The site was formerly occupied by a two storey detached dwellinghouse which has since been demolished. A new replacement dwellinghouse granted planning permission (under planning application reference P/5568/15 is currently being implemented on site. The external structure of the replacement dwellinghouse has almost been completed with a subsequent variation of condition application under planning ref: P/1404/18. A further variation has been made to the scheme with a first floor side extension and single storey rear extensions constructed following the refusal of this variation of condition under planning application ref: P/0838/21 and P/2185/21. The roof of the side extension has been increased in height from the recently refused scheme. A large outbuilding has also been constructed on the site to the south-east of the replacement dwellinghouse.
- 1.2 The site lies within the Green Belt and the Harrow Weald Ridge Area of Special Character. The wider site is covered by TPO 592 Priory Drive (No. 5) Stanmore
- 1.3 Priory Drive is characterised by detached dwellings, number of which have been substantially extended, set within large plots. Although the dwellings are of varying architectural styles, a number of dwellings feature front projecting end gables and feature staggered front and rear elevations.
- 1.4 The adjoining dwelling to the west, Grimsdyke Manor has width of 48m and has been significantly extended in the past, including a substantial single storey side extension adjacent to the application site. The neighbouring dwelling to the east, Bentley Hyde is located 29m away from the existing eastern flank elevation of the subject dwelling.

2.0 PROPOSAL

- 2.1 This application seeks to amend the previously granted scheme through the following revisions which have been constructed on site;
- Amended footprint of basement
 - Single storey rear extensions to the kitchen and living room
 - First-floor side extension set back from front and rear walls of the house incorporating a hipped roof and pitch roofed front feature.

3.0 RELEVANT PLANNING HISTORY

Ref no.	Description	Status & date of decision
P/5568/15	Redevelopment to provide a two storey replacement dwelling with habitable roofspace & basement; parking and landscaping	Granted: 26/01/2016

P/2313/16	Certificate of lawful development (proposed): single storey outbuilding in rear garden	Granted: 08/07/2016
P/2314/16	Certificate of lawful development (proposed): detached triple garage at side	Granted: 08/07/2016
P/1404/18	Variation Of Condition 2 (Approved Plans) Attached To Planning Permission P/5568/15 Dated 26/01/2016 To Allow Amendments To The Internal Layout Revised Fenestration And Rooflight Details Removal Of Balcony Over Front Porch	Granted: 03/08/2018
P/1977/19	Variation of condition 2 (approved plans) attached to planning permission P/1404/18 dated 03/08/2018 to allow amendments to the design with a first floor side extension with roof modifications; front porch; alterations to fenestration to first floor	Refused: 2/06/2019 Appeal: Dismissed 18/09/2020
P/5137/19	Variation Of Condition 2 (Approved Plans) Attached To Planning Permission P/1404/18 dated 03.08.2018 for variation of condition 2 (approved plans) attached to planning permission P/5568/15 Dated 26/01/2016 to allow the addition of a front porch with protruding canopy with stone columns and a flats roof and revised fenestration details	Granted: 14/02/2020
P/0444/20	Details pursuant to condition 13 (general permitted development) attached to planning permission p/1404/18 dated 3/8/2018 for variation of condition 2 (approved plans) attached to planning permission p/5568/15 dated 26/01/2016	Withdrawn
P/0443/20	Variation of condition 2 (approved plans) attached to planning permission p/1404/18 dated 03.08.2018 For variation of condition 2 (approved plans) attached to planning permission p/5568/15 dated 26/01/2016 to allow a first floor extension roof modification	Refused: 03/04/2020
P/1463/20	Single storey outbuilding and linked garage in rear garden (retrospective)	Granted: 13/10/2020

P/0848/21	Variation Of Condition 2 (Approved Plans) Attached To Planning Permission P/1404/18 dated 03.08.2018 for variation of condition 2 (approved plans) attached to planning permission P/5568/15 Dated 26/01/2016 to allow alterations to footprint of basement, single storey extensions to the kitchen and living room, first floor side extension, roof modifications	Refused: 07/05/2021 Appeal Dismissed: 11/04/2022
P/2185/21	Variation of condition 2 (approved plans) attached to planning permission p/5568/15 dated 26/01/2016 to allow alterations to basement, single storey extensions to the kitchen and living room, first floor side extension, roof modifications	Refused: 17/11/2021
P/5003/21	Variation of condition 2 (approved plans) attached to planning permission p/5568/15 dated 26/01/2016 to allow alterations to basement, single storey extensions to the kitchen and living room, first floor side extension, roof modifications	Refused: 16/03/2022

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 16th May 2022

4.2 No comments were received following the public consultation.

4.3 **Statutory and Non Statutory Consultation**

4.4 The following consultations have been undertaken and a summary of the consultation responses received are set out below.

Consultee and Summary of Comments
N/A

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 2021] 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 2021 [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 A full list of all the policies used in the consideration of this application is provided as Informative 1.

6.0 ASSESSMENT

6.1 The main issues are;

- Principle of Development
- Character and Appearance of the Area
- Residential Amenity

6.2 Principle of Development and Material Considerations

- 6.3 The previous appeal decision under ref: App/M5450/W/19/3243648 relating to planning application reference P/1977/19 was for the variation of condition 2 attached to planning permission P/1404/18 dated 03/08/2018 to allow the provision of a first-floor side extension with roof modifications. This application was subsequently refused by the council on 21/06/2019 due to the harm of the proposal on the Green Belt. The decision was subsequently appealed by the applicant under appeal reference App/M5450/W/19/3243648. That appeal decision was subsequently dismissed by the Planning Inspector on 18/09/2020.
- 6.4 The most recent appeal under ref: APP/M5450/W/21/3279524 was dismissed by the Inspector on 11/04/2022 which related to planning application ref: P/0848/21 which sought planning permission for the variation of condition 2 (approved plans) attached to planning permission P/5568/15 dated 26/01/2016 to allow amendments to the layout including revised footprint of basement and ground floor, revised internal layout, revised fenestration and rooflight details and removal of balcony over front porch, without complying with a condition attached to planning permission Ref P/1404/18, dated 03/08/2018.
- 6.5 In assessing whether or not the proposal was inappropriate development in the green belt, the Planning Inspector noted the following:

[4] The proposal seeks to enlarge the replacement dwelling which has approval at the site through the provision of additional accommodation at first and ground floor level. The evidence indicates that the floor area associated with this scheme would represent a significant 38% increase of the floor area of the dwelling that the proposal would replace.

[5] There is nothing unreasonable in making the assessment in relation to test required by paragraph 145 d) in terms of floor area. Whilst the appellant has questioned the inclusion of the floorspace provided within the basement as part of these calculations, this is a reasonable approach which has previously been supported.

[6] With regard to the first main issue I therefore conclude that the appeal proposal would be materially larger than the building it would replace and would therefore constitute inappropriate development within the Green Belt.

Turning to the assessment on the openness of the Green Belt, The Planning Inspector stated the following:

[8] The additional floorspace would partly be provided by adding an additional storey to the single storey eastern wing of the dwelling. This addition would add substantial additional bulk to the dwelling which would be notable and prominent when viewed from Priory Drive. The bulk and massing between the dwellings on the street are characteristically broken up through the provision of single storey elements to the side of the main bulk of the dwellings. As a result of the proposal, the dwelling would be closer to Bentley Hyde to the south-east at first-floor level and this would erode the sense of space between these properties

[9] Consequently, I conclude on this matter that there would be a minor but harmful loss of openness of the Green Belt. The third assessment of the Planning Inspector was other considerations, in which the following comments were made:

[10] My attention has been drawn to other approvals and appeal decisions relating to nearby properties involving the provision of additional floor space. The majority of the examples cited appear relatively aged and it is not therefore certain that these proposals were considered against the exact same policy background. Moreover, none of the circumstances associated with these approves appear the same.

In conclusion, the Planning Inspector stated the following:

[14] I have found that the development would constitute inappropriate development within the Green Belt that would result in loss of openness. It therefore should not be approved except in very special circumstances. I must attach substantial weight to the harm to the Green Belt and as such, the harm I have identified is clearly not outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.

Development in the Green Belt

- 6.6 In assessing whether or not the proposal was inappropriate development in the green belt, the Planning Inspector noted the following:
- 6.7 Paragraphs 137 - 149 of the NPPF (2021) provide policy guidance in relation to 'Protecting Green Belt Land', stating that the fundamental aim is to prevent urban

sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Policy G2 of the London Plan supports the aim of the NPPF and states that Green Belt should be protected from inappropriate development and development proposals that would harm the Green Belt should be refused except where very special circumstances exist. This is further supported by Policy CS1.F of Harrow's Core Strategy which seeks to safeguard the quantity and quality of the Green Belt from inappropriate or insensitive development. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to inform the determination of whether any particular development in the Green Belt is appropriate or not, by stating in paragraph 145 that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. It does however set out six exceptions to this, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (bullet d) of paragraph 145).

- 6.8 As such, a replacement dwellinghouse is acceptable in the Green Belt provided it is not materially larger than the dwellinghouse it replaces.
- 6.9 Planning permission was granted under reference P/5568/15 dated 26/01/2015 for the redevelopment of the site to provide a two storey replacement dwelling with habitable roofspace and basement; parking and landscaping.
- 6.10 A section 73 application was thereafter submitted under planning reference P/1404/18 to vary the approved plans (condition 2) to allow amendments to the layout, including a revised footprint of the basement, ground floor and fenestration. The development is currently being implemented in accordance with this condition.
- 6.11 In the original approved planning application for the redevelopment of the site, the officer report acknowledged that the replacement dwellinghouse would be consolidated. This accounted for a reduced footprint but greater floor area, as the former dwellinghouse was largely single storey. The approved planning application P/5568/15 resulted in an increase in the floor area of 16.8% over the pre-existing dwellinghouse which was considered to comply with the relevant parameters for the numerical assessment on proportionality and material increase as set out in Policies.
- 6.12 The variation of condition application P/1404/18 increased the floor area by a further 30m² and therefore increased the floor area of the replacement dwellinghouse by a further 9% over the former detached property. The footprint remained approximately the same and the proposal did not materially impact upon the openness of the Greenbelt.



Figure 1 - Approved amended scheme under planning ref: P/1404/18

- 6.13 A previous application under planning ref: P/1977/19 was dismissed on appeal for the proposed increase in the floor area of approximately 35m² which equated to a 38% increase in floor area between the former dwellinghouse and the replacement dwellinghouse as laid out within the former proposal. As detailed in the above section, this quantum of floorspace increase was considered to result in a materially larger building than the one it would replace and was therefore a reason for refusal of the previous scheme by the Council and also dismissed by the Planning Inspector on this basis.
- 6.14 In the most recent dismissed appeal decision for the planning application ref: P/0848/21, the Inspector also considered that the development is materially larger than the building it replaced and therefore the Inspector was not convinced that the development falls within the exception d) of paragraph 149 of the NPPF.
- 6.15 In May 2021, the Council refused a subsequent variation of condition application under planning reference: P/0848/21 the proposal however sought planning permission for an even larger dwelling with the construction of additional single storey extensions to the kitchen and living room. In addition to this, a large single storey garage/outbuilding has been constructed to the side of the dwellinghouse and was granted planning permission under application reference P/1463/20. The

additional floor area/footprint of this addition (circa 166m²) which was a further material consideration in the Green Belt Assessment.

- 6.16 This proposal was refused on the basis of its increase in scale, mass, bulk and volume of the replacement dwellinghouse which constituted inappropriate development in the Green Belt and failed to demonstrate that very special circumstances justified the inappropriate development being outweighed by other considerations. The application was also refused on the basis of the first floor side extension with its reduced ridge height and variation to the roof profile by a reduced eaves to ridge height resulted in an awkward squat, incongruous and disjointed roof form resulted in a poor design which detracted from the character and appearance of the host building and the locality. This was subsequently dismissed by the Planning Inspector on 11/04/2022.
- 6.17 In October 2021, the Council refused planning permission for retrospective development for the same refused scheme under planning ref: P/0848/21 with an even larger roof form to the first floor side extension to the house.



Figure 2 - Refused amendments to approved house under planning ref: P/0848/21 and dismissed at appeal on 11th April 2022



Figure 3 - P/2185/21 retrospective scheme

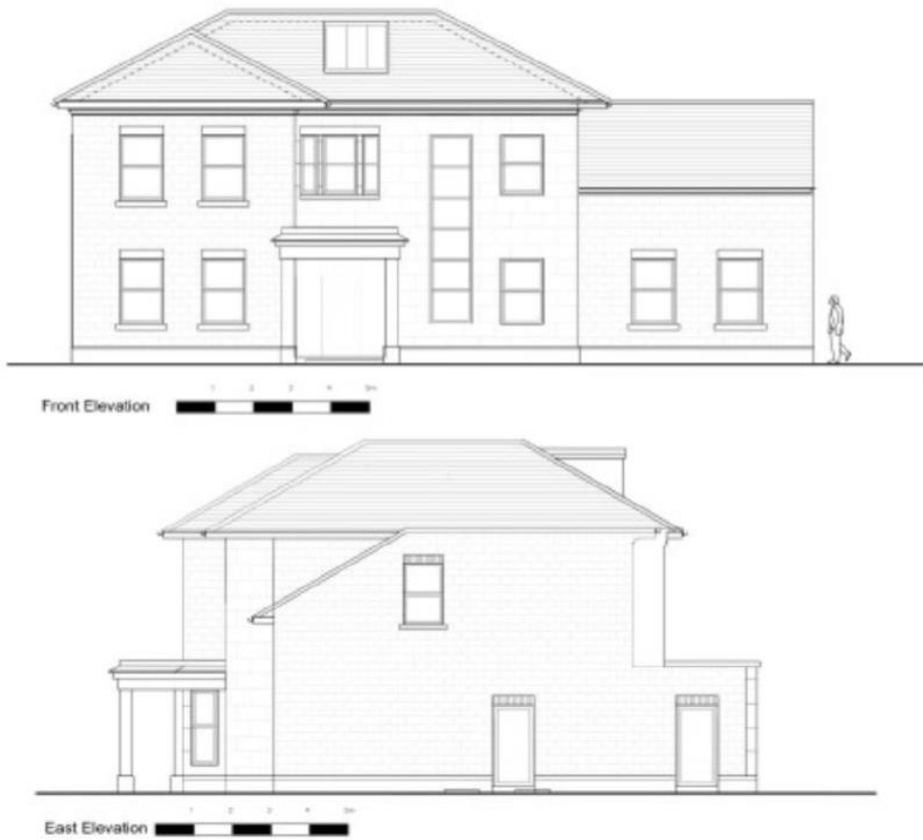


Figure 4-P/5003/21- refused plg permission 16th of March 2022 Planning Committee



Figure 5 - Current proposal

- 6.18 The previous proposal under planning reference: P/5003/21 sought to remove the hipped roof and provide a monopitch roofed feature to the front of the side extension and a flat roofed behind this feature. This was refused at Planning Committee in March 2022 due to the increase in scale, mass, bulk and volume of the replacement dwellinghouse constituting inappropriate development in the Green Belt and that no ‘very special circumstances’ exist to justify inappropriate development and the first floor side extension by reason of its monopitch and flat roofed design results in an awkward, incongruous and disjointed roof form of poor design which detracts from the character and appearance of the host building and the locality.
- 6.19 The proposal now seeks to provide a first floor extension with a hipped roof and pitched roof feature to the front of the extension along with set back of 3.2m from the front wall of those and 0.76m set back from the rear wall of the house.
- 6.20 Dealing with the replacement development, the relevant test is whether the replacement dwelling is materially larger than the one it replacement. Case law has established the factors that should be considered when assessing what is “materially larger”. The Court of Appeal in *R. (oao Heath and Hampstead Society) v Camden LBC & Others* 2008.00 EWCA Civ 193 held that size is the primary test rather than visual impact. Size can be assessed in a number of ways which includes matters of floor space, footprint, height, massing, volume, design and position on the plot. Any or a combination of such factors could contribute towards a dwelling

being materially larger than the existing dwelling, but the court in the above decision held that floorspace is an important indicator.

6.21 If a replacement dwelling is considered to be materially larger than the dwelling it replaces, then it must be considered as inappropriate development for which there is a presumption against. Inappropriate development should not be permitted, except in very special circumstances. Very special circumstances will only exist if the harm, by reason of inappropriateness, and any additional harm is clearly outweighed by other considerations.

6.22 The floorspace increases are shown in the table below:

	Pre-existing	Proposed	% Change between pre-existing and proposed	% change including outbuildings constructed
Floor Area	331m ²	491m ²	48%	98%

6.23 It is evident from the above table that the first-floor side extension and single storey rear extensions that have been constructed on site result in the replacement dwellinghouse having almost double the floor area than the pre-existing dwellinghouse which it has replaced.

6.24 The applicant stipulates in their supporting statement that the percentage of the extension should be considered in relation to the original house which was raised at planning committee in November 2021. However, it is necessary to consider the extensions in conjunction with the new dwellinghouse in terms of its footprint and percentage increase and only viewing the percentage increase of extensions in isolation of the existing dwelling is not a reasonable manner in assessing the footprint increase in comparison to the pre-existing dwelling.

6.25 When the floor area of the constructed garage/outbuilding is taken into consideration, this amounts to almost doubling the floor area of the pre-existing dwellinghouse. The National Planning Policy states that new buildings in the Green Belt will be inappropriate development except in specified circumstances. New outbuildings (related to the residential use) are not covered by these exceptions. However, case law has established that a domestic outbuilding might be regarded as an extension to a dwelling provided that it forms a 'normal domestic adjunct' (Sevenoaks DC v SSE and Dawes). It is evident that the existing outbuilding, by reason of its proximity and use would have a functional relationship to the host building and therefore could be regarded as forming a normal domestic adjunct. The outbuilding itself has a floor area of approximately 166m².

6.26 Consequently, the replacement dwelling with a hipped roofed side extension including the floor area of the outbuilding would double the floor area of the pre-existing dwellinghouse. Therefore, the increase in the floor area, both in the alterations to the dwellinghouse in its own right and by virtue of the newly constructed outbuilding/garage, results in a materially larger house than the house it has replaced and would thus amounts to inappropriate development in the Green Belt. The proposal therefore conflicts with the relevant policies in this regard.

Impact on Openness of Green Belt

- 6.27 The National Planning Policy Framework (2021) makes it clear that an essential characteristic of Green Belts is their openness. Openness is not defined either within the Framework or in the development plan policies but is taken to mean an absence of a building or development, and the extent to which a building or development may be seen from the public realm is not a decisive matter. Policy DM16 of Harrow's Development Management Policies Local Plan requires the assessment of Green Belt openness to have regard to
- a. the height of existing buildings on the site;
 - b. the proportion of the site that is already developed;
 - c. the footprint, distribution and character of existing buildings on the site; and
 - d. the relationship of the proposal with any development on the site that is to be retained.
- 6.28 The approved replacement dwellinghouse featured a single storey side element in the part adjacent to Bentley Hyde. This was a specific design intervention which was brought forward to reduce the impact on Greenbelt openness, particularly given the consolidation of the footprint to provide more habitable floorspace within the first and second floors. Notwithstanding the previously dismissed appeal for the first-floor side extension, the applicant has constructed a first-floor extension as part of the replacement dwellinghouse. As detailed paragraph 8 and 9 of the Appeal Decision Notice, the Planning Inspector found that the addition of a first-floor extension would 'add substantial additional bulk to the dwelling which would be notable and prominent when viewed from Priory Drive' and would erode the sense of space between the host property and Bentley Hyde. The Planning Inspector therefore concluded that there would be a minor but harmful loss of openness of the Green Belt.
- 6.29 Whilst the roof ridgeline of the first floor side extension is set lower than the main roof of the house and would be set back from the front wall of the house by 3.2m, it is considered that the proposal would continue to provide a first floor side extension which adds bulk to the overall development.
- 6.30 Consequently, the amendment to the approved plans, by virtue of the provision of a first-floor side extension in comparison to the previous scheme for a monopitch roofed side extension continues to result in an overly bulky, unduly obtrusive and dominant physical presence that is harmful to the visual amenities and the openness of the Green Belt.
- 6.31 The Framework says that the essential characteristics of Green Belts are their openness and their permanence and as such, substantial weight is attached even to the limited loss of openness in this instance. Consequently, it is considered that the proposed development is harmful to the openness of the Green Belt, thereby failing to comply with the National Planning Policy Framework (2019), Policy G2 of the London Plan (2021), Core policy CS1(F) of the Harrow Core Strategy (2012) and Policy DM16 of the Harrow Development Management Policies (2013)

Very Special Circumstances

- 6.32 A Planning Statement has been submitted with the application. This sets out the site coverage is less than adjoining properties, the neighbouring properties have also benefited from greater percentage increases in floor area and that the built frontage of the subject property is less than neighbouring built frontages.
- 6.33 However, as detailed in the previous officer report for planning application P/0443/20, the submitted planning statement details the percentage increase permitted by the LPA to neighbouring and adjoining dwellinghouses within Priory Drive. While the numerical percentage increases suggest that the neighbouring properties have had increases in footprint and floor area greater than 39%, no further details have been provided on the date at which the various extensions were granted or the circumstances of each particular case. The current submission provides a brief outline on each of these cases in relation to their percentage increase and its justification for the approvals made. This has been reviewed by Officers and the subject application has however been assessed on its own planning merits with regard to the specific context of the subject property and in line with the current development plan policies, including the NPPF 2021 and the London Plan 2021. Whilst the roof form has been proposed to be altered the footprint remains the same.
- 6.34 Furthermore, the Planning Inspector as part of the dismissed appeal in September 2020 addressed this point within the 'other considerations' assessment in the appeal decision. The Planning Inspector noted that 'the majority of examples cited appear relatively aged and it is not therefore certain that these proposals were considered against the same policy background. Moreover, none of the circumstances associated with these approvals appear the same. Cases as Cedar Trees and Green Verges appear to relate to extensions, which will likely have been judged against different criteria'. Furthermore, in the case of Bentley Hyde, the report associated with that proposal appears to identify special circumstances which are not evident in relation to the subject proposal.
- 6.35 This has been reiterated in the recent appeal decision in April 2022 by the Inspector stipulating that 'very special circumstances' set out in the Bentley Hyde permission do not apply in this appeal and the appeal had been determined on its own merits. In addition, the personal circumstances raised by the applicant which states that the dwelling and outbuildings provide both permanent accommodation and sporting facilities for the appellant's parents and children, were also shown in the previous applications for the dwelling and outbuilding. The Planning Inspector, in dismissing the appeal, stated "however, the previous planning permissions for the dwelling outbuilding also appear to show significant facilities provided for the family in terms of both living accommodation and sporting facilities. I therefore give very limited weight to the family circumstances advanced by the appellant" On this basis, the officers give very limited weight to the family circumstances, which had been provided for in the previous granted developments on site.
- 6.36 The Planning Inspector accepted that various other methods of assessing the impact of the revised proposals including built frontage, site coverage and height were drawn to his attention, but was comfortable that floor space was a reasonable parameter on which to assess the key issue within the appeal.

Conclusion

- 6.37 For the reasons detailed above, it is considered that the harm caused by the inappropriateness of the development in the Green Belt and its effect on Openness carry substantial weight. The applicant has failed to demonstrate that Very Special Circumstances exist to justify inappropriate development and that the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The proposed development would therefore be contrary to The National Planning Policy Framework (2021), Policy G2 of The London Plan (2021), Core Policy CS1.B/F of the Harrow Core Strategy (2012) and Policies DM1 and DM16 of the Harrow Development Management Policies Local Plan (2013).

Character and Appearance of the Area

- 6.38 The NPPF makes it very clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes on to state that 'it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.
- 6.39 Core Policy CS(B) states that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'
- 6.40 Policy DM1 of the Council's Development Management Policies Local Plan states that 'All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted'
- 6.41 The consideration of the layout, design, character and appearance of the development was previously considered under application P/5568/15 and under variation of condition application reference P/1404/18.
- 6.42 As noted in the subsections above, the exterior construction of the dwellinghouse near complete and it has not been built in accordance with approved plans. Notably, a first-floor side extension has been provided, two single storey rear projections have been constructed and the proportions of the roof has been distorted, with a greater floor to eaves height and a lower eaves to ridge height. In relation to the first-floor side extension, whilst the proposed set back from the main front wall with a hipped roof and pitch roofed feature would slightly reduce the bulk, it is considered that the extension would continue to appear as a first floor side extension with an awkward and squat roof form with an additional pitch roofed feature. The proposed roof design to the first floor side extension would result in an awkward and poor design in relation to the dwellinghouse, and would continue to maintain a significant part of the bulk in the form of the first floor side extension. It is considered that the proposal would not sympathetically integrate or relate appropriately with the host dwellinghouse.

- 6.43 The previous scheme under planning ref: P/0848/21 which had a similar roof form was refused and dismissed at appeal. The Planning Inspector stated in the Appeal decision dated 11th April 2022, that the proposal resulted in a relatively short and squat roof form which distorts the overall proportions and appearance of the building. It was considered that the development resulted in a roof form that no longer successfully integrates with the host dwelling nor its surroundings. This still applies in this current proposal.
- 6.44 In addition, the large set back of the first floor side extension with a hipped roof and pitch roofed feature is uncharacteristic of the locality and further emphasises the incongruity of the overall roof design of the first-floor side extension, giving the impression of an awkward and contrived roof form, that does not represent a high quality of design. The first-floor side extension and alterations to the roof profile therefore detract from the character and appearance of the host dwellinghouse and the locality, and conflict with the relevant policies in this regard.
- 6.45 The single storey extensions project 1.5m beyond the original rear elevation and have a flat roof profile with a maximum height of 3.3m. Notwithstanding the other considerations detailed in the principle of development subsection, It is considered that the single storey rear extensions do not have a harmful impact on the character or appearance of the host property and the area.

Impact on residential amenity of neighbouring occupiers

- 6.46 The impact of the replacement dwellinghouse on the amenities of the adjoining occupiers was considered in detail under application reference P/5568/15. The subject proposal increases the width at first-floor level of the replacement dwellinghouse. The flank wall of the first-floor side extension is sited approximately 20m away from the shared boundary with Bentley Hyde to the east. Given the separation distance, it is considered that the proposal does not have a detrimental impact on the residential amenities of the adjoining occupiers at that property. The additional single storey extensions beyond the kitchen and living room would have a modest depth of 1.5m and do not therefore have a harmful impact on the residential amenities of adjoining occupiers by reason of overshadowing, loss of light or loss of outlook.

7.0 CONCLUSION AND REASONS FOR REFUSAL

- 7.1 The first floor side extension, by reason of its scale, ridge height, overall design, and incongruous and dominant roof forms/design, constitutes an inappropriate development in the Green Belt and has a harmful impact on the openness and visual amenities of the Green Belt. The applicant has also failed to demonstrate very special circumstances existing to justify the inappropriate development and its harm being outweighed by other considerations. Furthermore, it is harmful to the character and appearance of the host property and the area.
- 7.2 For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for refusal.

APPENDIX 1: Informatives

1. Planning Policies

National Planning Policy Framework (2021)

The London Plan (2021)

D3, G2, SI13

Harrow Core Strategy (2012)

CS1 B and F, CS7

Harrow Development Management Policies Local Plan (2013)

DM1, DM2, DM6, DM10, DM16, DM23, DM42, DM45

Supplementary Planning Document: Residential Design Guide (2010)

2. Refuse without Pre-App

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015. This decision has been taken in accordance with paragraphs 39-42 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

3 Mayoral Community Infrastructure Levy (provisional)

Please be advised that approval of this application (either by Harrow Council, or subsequently by the Planning Inspectorate if allowed on appeal following a refusal by Harrow Council) will attract a Community Infrastructure Levy (CIL) liability, which is payable upon the commencement of development. This charge is levied under s.206 of the Planning Act 2008 Harrow Council, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL

The Provisional Mayoral CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm is £3,300

The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

You are advised to visit the planningportal website where you can download the appropriate document templates.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0 .

https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf

https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf

If you have a Commencement Date please also complete CIL Form 6:

https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf

The above forms should be emailed to HarrowCIL@Harrow.gov.uk

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges and penalties

4 Harrow Community Infrastructure Levy (provisional)

Harrow has a Community Infrastructure Levy which applies Borough wide for certain developments of over 100sqm gross internal floor space.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis) - £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Provisional Harrow CIL liability for the application, based on the Harrow CIL levy rate for Harrow of £110/sqm is £29,661

This amount includes indexation which is 323/224. The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

The CIL Liability is payable upon the commencement of development.

You are advised to visit the [planningportal](http://planningportal.co.uk) website where you can download the relevant CIL Forms.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0 .

https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf

https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf

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The above forms should be emailed to HarrowCIL@Harrow.gov.uk

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PLAN NUMBERS

Covering letter dated April 2022, Planning Statement April 2022, Site location plan, SH05.102, SH05.100 Rev A, SH05.101 Rev A, SH05.103, SH05.104, SH05.105 Rev A, SH05.106 Rev A, SH05.102 Rev C, SH.05.100 Rev A, SH.05.102 Rev C, SH.05.105 Rev C, Sh.05.101 Rev A, SH.05.106 Rev C, SH.05.104 Rev C, SH.05.103 Rev C

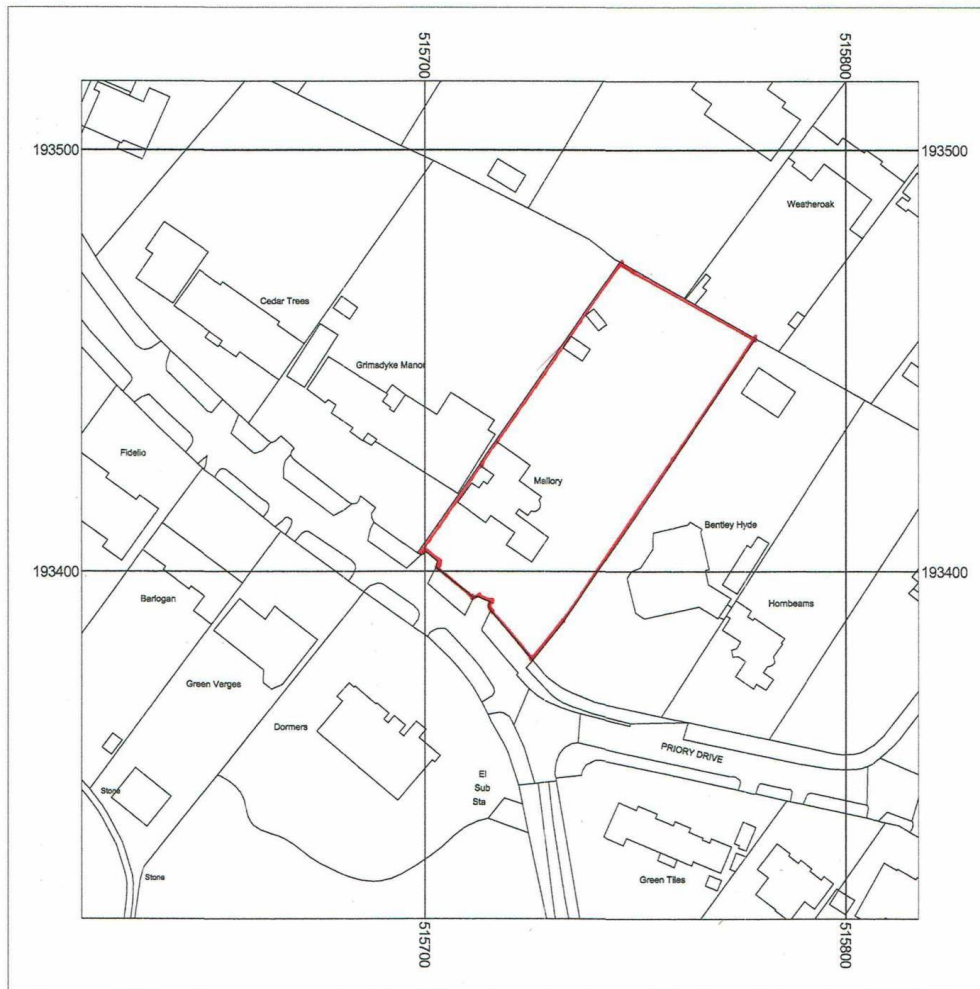
CHECKED

Interim Head of Development Management	06/07/2022
Corporate Director	07/07/2022

APPENDIX 2: SITE PLAN



OS Plan B&W



**Mallery
Priory Drive
Stanmore
HA7 3HN**

Supplied by: National Map Centre
License number: 100031961
Produced: 01/09/2018
Serial number: 2012749

Plot centre co-ordinates: 515718,193417
Download file: dnk_Mallery.zip
Project name: dnk_Mallery

© Crown copyright and database rights 2018. OS 100031961

APPENDIX 3: SITE PHOTOGRAPHS



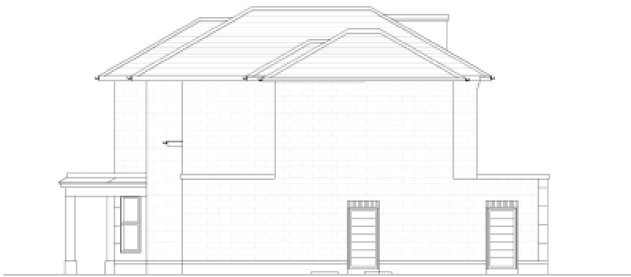


APPENDIX 4: PLANS AND ELEVATIONS

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancies to be notified with the architect before proceeding with the work. All work is to be carried out in accordance with the relevant Building Regulations. All work is to be carried out in accordance with the relevant Building Regulations. All work is to be carried out in accordance with the relevant Building Regulations. All work is to be carried out in accordance with the relevant Building Regulations.



Front Elevation



East Elevation

Plan C 2018/02 Description: External elevations, internal and external. Plan C 2018/02 Description: External elevations, internal and external. Plan C 2018/02 Description: External elevations, internal and external. Plan C 2018/02 Description: External elevations, internal and external.

Front and side elevation

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancies to be notified with the architect before proceeding with the work. All work is to be carried out in accordance with the relevant Building Regulations. All work is to be carried out in accordance with the relevant Building Regulations. All work is to be carried out in accordance with the relevant Building Regulations. All work is to be carried out in accordance with the relevant Building Regulations.



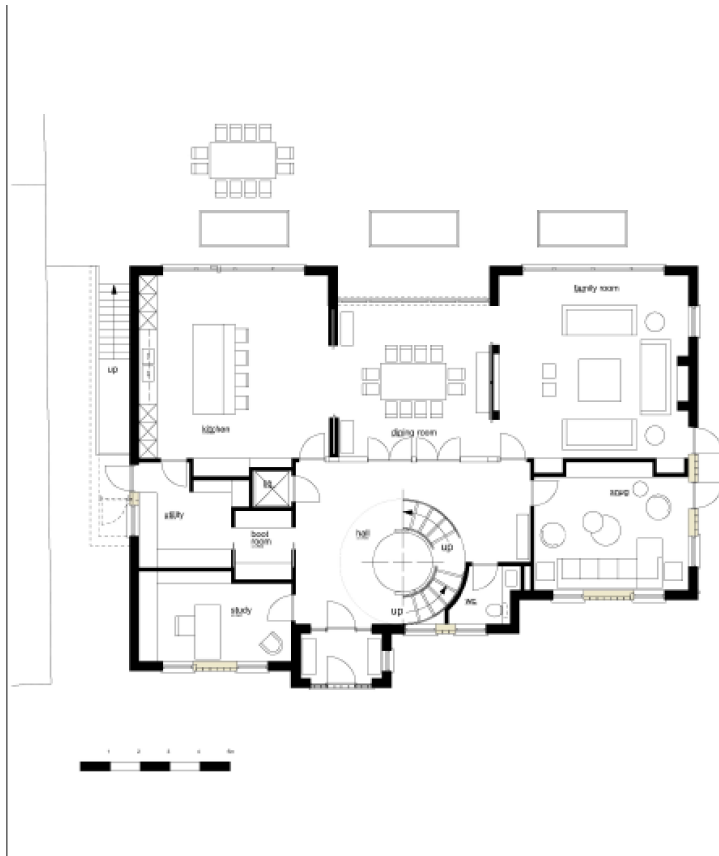
Rear Elevation



West Elevation

Plan C 2018/02 Description: External elevations, internal and external. Plan C 2018/02 Description: External elevations, internal and external. Plan C 2018/02 Description: External elevations, internal and external. Plan C 2018/02 Description: External elevations, internal and external.

Rear and Side Elevations



The contractor is responsible for checking dimensions, levels and references. Any discrepancy is to be rectified with the architect before proceeding with the works. Where an item is omitted to drawings or different scales the origin to be drawing is to be observed.
 Do not scale drawing. Figure dimensions to be worked to in all cases.
 DSM REGULATIONS 2015. All works drawings and specifications for the project must be kept in accordance with the Designer's Report and Construction Assessment Report.
 All intellectual property rights reserved.

Rev. A Rev. C

Mallory, Priory Drive
Ground Floor

SH.05.101
PLANNING

Drawn By: Checked By: Date: March 2022 Scale: 1:100 @ A1

Ground Floor Plan



The contractor is responsible for checking dimensions, levels and references. Any discrepancy is to be rectified with the architect before proceeding with the works. Where an item is omitted to drawings or different scales the origin to be drawing is to be observed.
 Do not scale drawing. Figure dimensions to be worked to in all cases.
 DSM REGULATIONS 2015. All works drawings and specifications for the project must be kept in accordance with the Designer's Report and Construction Assessment Report.
 All intellectual property rights reserved.

Rev. C 20/03/22 Rev. C

Mallory, Priory Drive
First Floor

SH.05.102
PLANNING

Drawn By: Checked By: Date: March 2022 Scale: 1:100 @ A1

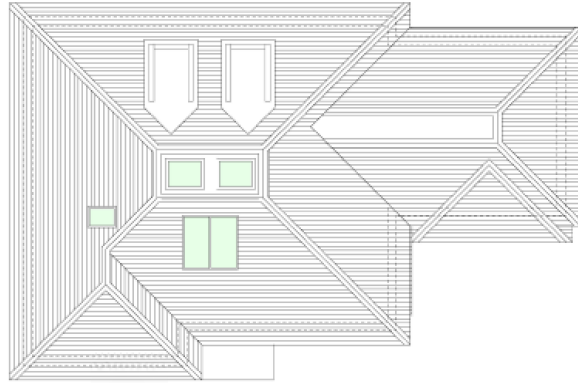
First Floor plan

The contractor is responsible for checking dimensions, tolerances and references. Any dimensions to be verified with the contractor before proceeding with the works. Where an error is caused by a change in dimension under the signed and sealed drawing it shall be void.

Contract under drawing. Figure dimensions to be marked in all cases.

CONTRACTOR TO CHECK ALL DIMENSIONS. All correct drawings and specifications for the proposed work to be submitted with the Contractor's tender and to be submitted to the Architect.

All intellectual property rights reserved.



Rev 0 SH.05.104 Description: Roof plan, approved Rev 0
 Rev 1 SH.05.104 Description: Roof plan

Mallery, Priory Drive
Roof Plan

SH.05.104
PLANNING

Drawn By: Checked By: Date: March 2022 Scale: 1:500 @ A3

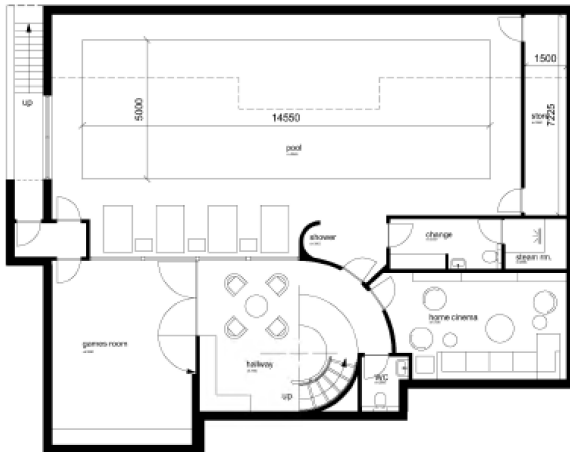
Roof plan

The contractor is responsible for checking dimensions, tolerances and references. Any dimensions to be verified with the contractor before proceeding with the works. Where an error is caused by a change in dimension under the signed and sealed drawing it shall be void.

Contract under drawing. Figure dimensions to be marked in all cases.

CONTRACTOR TO CHECK ALL DIMENSIONS. All correct drawings and specifications for the proposed work to be submitted with the Contractor's tender and to be submitted to the Architect.

All intellectual property rights reserved.



Rev 0 SH.05.100 Description: Basement plan, approved Rev 0
 Rev 1 SH.05.100 Description: Basement plan

Mallery, Priory Drive
Basement Plan

SH.05.100
PLANNING

Drawn By: Checked By: Date: March 2022 Scale: 1:500 @ A3

Basement level

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