



Appeal Decision

Site visit made on 25 September 2007

by **Elaine Benson BA (Hons) Dip TP MRTPI**

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

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Decision date:
14 December 2007

Appeal Ref: APP/M5450/A/07/2045563 Garages at Summit Close and adjacent land

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr S Piggott against the London Borough of Harrow Council.
- The application Ref P/2035/06/DFU, is dated 17 July 2006.
- The development proposed is the construction of three single storey, 3 bed homes.

Procedural Matter

1. On 2 July 2007, the Council resolved that had the appeal not been lodged, it would have refused the application. I have treated this as the decision that the Council would have made, had it been empowered to do so.

Decision

2. I allow the appeal, and grant planning permission for the construction of three single storey, 3 bed homes at Garages at Summit Close and adjacent land in accordance with the terms of the application, Ref P/2035/06/DFU, dated 17 July 2006, and the plans submitted with it reference 3132D P0, 3132D P02 Rev B, 3132D P03 Rev B, subject to the conditions on the attached schedule.

Main Issues

3. There are 3 main issues in this case. The first is the effect of the proposed development on the character and appearance of the surrounding area. The second is its effect on the living conditions of future occupiers and the third is whether the development would provide adequately accessible homes.

Reasons

4. The appeal site contains a block of 18 single storey garages served by a single width access off Summit Close and an adjacent plot of land. Summit Close is a cul-de-sac containing a mixture of two storey maisonettes and semi-detached houses. The surrounding area is predominantly residential. To the front of the site is a footpath leading from Summit Close to Methuen Gardens. The footpath is bounded to the north east by a football ground and opposite by the back gardens of surrounding properties. I found this to be an intimidating route.

5. The proposed houses would be single storey and as such there would be no overlooking of adjacent properties from this backland location. Although the development would be close to the back of the footpath, I do not consider that the development would appear overbearing to pedestrians because of its limited height and elevations which are broken up in design terms and contain a series of windows. The car parking spaces and the garden to the front of unit 1 would provide an open area at the head of the cul-de-sac which I consider would be significantly more attractive than the run-down appearance of the existing garage block and hard standing. Having regard to the constrained shape and nature of the site, I consider that there would be an adequate amount of garden space around the houses and that the proposed layout and site coverage would sufficiently reflect the spaciousness of its locality. I conclude that the development would improve the character and appearance of the surrounding area.
6. The proposed development would contribute to housing choice by providing a type of home not currently available in the area. It would also secure the re-use of underused previously developed land. A number of windows, including to habitable rooms, would face onto the footpath. In my view, this and the additional lighting that would be brought into this area, would contribute to the surveillance of the footpath and the general safety of the surrounding area. I conclude that the proposal would not be contrary to Harrow Unitary Development Plan (UDP) policies SD1 and D4 in respect of their requirements for high quality new design that is keeping with its surroundings, and policy SH1 which deals with housing provision and housing need and also includes, among other things, encouragement for the re-use of previously developed land and vacant property and the need for new development to protect and safeguard the character and amenity of surrounding residential areas.
7. I turn now to the effect of the proposed development on the living conditions of future occupiers. I find that the proposal would provide an adequate amount of garden space for future occupiers and that it would not result in an unacceptably poor outlook. Kitchens and bedrooms would face onto the footpath, whereas the main living areas would look onto the gardens. Whilst the outlook onto the footpath and its boundaries is not attractive, I consider that the proposal achieves an appropriate balance between the needs of future occupiers and the safety, both real and perceived, of residents in the area wishing to use this footpath who would be subject to passive surveillance as detailed above. I conclude therefore that the proposal would satisfy UDP policy D5 with regard to its requirement for adequate amenity space provision which maintains the privacy and amenity of surrounding occupiers and future residents.
8. In respect of the third main issue, policy H18 encourages new housing development to be accessible to all. In larger residential schemes it requires a proportion of the dwellings to be built as lifetime homes or to be capable of adaptation to wheelchair housing. As the development is for only 3 houses, I do not consider it to be a large scheme where H18 requires lifetime homes. However, I find that the proposed development would provide accommodation to a high degree of accessibility which I consider to be desirable in single storey housing. I also note the appellant's statement that the houses would meet lifetime homes standards. I therefore find no conflict with policy H18.

Although the Council refers to its Supplementary Planning Documents (SPD) *Accessible Homes* and *Access for All*, the former was not provided with this appeal. The latter does not appear to me to relate to residential developments and there is little convincing evidence before me that it is relevant. I have therefore given the SPDs little weight.

9. In reaching my decision I have had regard to the previous 2005 appeal decision for this site, reference APP/M5450/A/05/1182528. I note that the current scheme has been developed in response to the previous Inspector's reasoning. That appeal related to a terrace of 5 two storey houses which is significantly different to the appeal before me and raised different planning issues. Nevertheless, I agree with my colleague's description of the surrounding area and the positive effects of the matters set out above.
10. Turning to other matters raised by interested parties, four parking spaces are proposed to serve the three houses. I note that the Council has raised no objections in this regard and that this level of provision meets with the Council's standards as well as national policy which seeks to reduce reliance on the car. As there would be adequate spaces to serve the development, I do not consider that there would be any measurable effect on the availability of on-street parking in Summit Close, which I acknowledge is limited. There is little convincing evidence before me that the development would be inaccessible by emergency vehicles.
11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

12. A condition is required to secure the site during demolition works in the interest of public safety. Conditions requiring details of external materials, landscaping, including tree protection and levels are necessary to ensure the satisfactory appearance of the development. Car parking should be provided and thereafter retained to ensure that adequate provision is available for future occupiers. As alterations to the footpath are indicated on the proposed plan, a condition is required to ensure its satisfactory appearance. I have amended the suggested wording to more closely relate to the guidance in Circular 11/95.
13. I do not consider that the suggested conditions requiring details of the disabled access into the houses or refuse storage are necessary, since they are indicated on the approved plans.

Elaine Benson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 3132D P02 Rev B for 4 cars to be parked. The spaces shall remain available for parking by occupiers of the development hereby approved and shall be used for no other purposes.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels, means of enclosure and hard surfacing materials. Soft landscape works shall include planting plans; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; indications of all existing trees and hedgerows on the land or overhanging it, and details of any to be retained, together with measures for their protection in the course of development; and an implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) No demolition or site works in connection with the development hereby approved shall commence before the boundary of the site is enclosed by a close boarded fence to a height of 2 metres. Such fencing shall remain until works and clearance have been completed.
- 7) No development shall take place until full details of works to the adjacent public footpath in the area identified on drawing No 3132D P02 Rev B have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the first occupation of the development.