

Appeal Decision

Site visit made on 4 October 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 24th October 2016

Appeal Ref: APP/M5450/W/16/3153638
15-19 Springfield Road, Harrow HA1 1QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Springfield Road Development Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0808/16, dated 18 February 2016, was refused by notice dated 28 April 2016.
 - The development proposed is demolition of single and two storey buildings and creation of 3 and 4 storey building comprising eight two bedroom (3 and 4 person) flats and one three bedroom maisonette with associated amenity.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with approval sought for the access, layout and scale. Matters of appearance and landscaping are reserved for future considerations. To the extent that the plans submitted touch upon any of these reserved matters I shall treat the details as being illustrative only.

Main Issues

3. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of existing occupiers at 21 Springfield Road with specific reference to outlook and daylight/sunlight; and
 - The effect of the proposal on the living conditions of future occupiers with specific reference to internal floor space, privacy, noise and disturbance.

Reasons

Character and appearance

4. The appeal site is a part one storey, part two storey commercial property located at the corner of Springfield Road and Greenhill Way. The units to the rear of nos 15-19 Springfield Road are accessed by an entrance way off Greenhill Way. The entranceway opens into a courtyard with six units arranged around the courtyard. A residential flat is located at ground floor level fronting onto Greenhill Way. Greenhill Way lies just north of Harrow commercial centre
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and comprises of commercial units with residential above. The southern end of Springfield Road has commercial units on the ground floor with residential above. However, the remainder of the street is primarily residential comprised of traditional two-storey terraced properties. A single storey shop unit defines the opposite corner of Greenhill Way and Springfield Road.

5. Whilst there may be scope for a small increase in height to define the corner of Springfield Road and Greenhill Way and to provide a transition to the three and four-storey properties in the commercial centre I consider that the proposed four-storey design would appear excessive and dominant within the context of the domestic scale of properties on Springfield Road. Furthermore, the siting of the building immediately abutting the pavement on Greenhill Way and the pedestrian area on Springfield Road would exacerbate this dominant effect. I find that the proposal would be an uncharacteristic and incongruous form of development and would consequently harm the character and appearance of the area.
6. The appellant draws attention to the St. George's Centre (the Centre) to the south of Greenhill Way, as justification for an increase in height. The Centre is an imposing four storey shopping mall with a predominately blank frontage. However, the Centre is separated from the appeal site by a road and the four storey elevation clearly defines the edge of the commercial core from a visual perspective. In contrast, development to the north of Greenhill Way is of a more domestic scale. I consider that the appeal site is read in the immediate context of the two-storey domestic properties on Springfield Road and relates both visually and functionally to development on the north side of Greenhill Way.
7. Attention is drawn to the four storey building 'Byron House' and others situated on Greenhill Way. However, these are situated further west along Greenhill Way and, therefore, do not inform the immediate setting of the site. Furthermore, I note that the majority of properties along the north side of Greenhill Way in the immediate vicinity of the site are two-storey. Moreover, I am not aware of the full circumstances of these cases which limit the weight which I can attach to them in my Decision.
8. I, therefore, conclude that the proposal, by virtue of its scale and massing would harm the character and appearance of the area and would, therefore, be contrary to Policy 7.4 of the London Plan (LP) (consolidated with alterations since 2011) 2015 which states that buildings, streets and open spaces should provide a high quality design response. The proposal also conflicts with Policy 7.6 of the LP which states that buildings and structures should be of the highest architectural quality.
9. Furthermore, the proposal would conflict with criterion B of Policy CS 1 of the Harrow Core Strategy (CS) (2012) which states that proposals that would harm the character of suburban areas will be resisted. Moreover, conflict arises with Policy DM 1 of the Harrow Development Management Policies (DMP) 2013 which states that all development and change of use proposals should 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.
10. Finally, conflict arises with paragraphs 4.8 of the Residential Design Guide Supplementary Planning Document (SPD) (2010) which states that the design

and layout of new development should recognise the character of the area in which it is situated and paragraph 4.16 of the SPD which states that new development should recognise the scale, massing and roof form of surrounding buildings.

Living Conditions of Existing Occupiers

11. Number 21 Springfield Road fronts onto Springfield Road and comprises an arched property with east facing windows. To the rear of the property are a number of other premises including a Beauty Salon and a first floor flat. The studio flat has a window facing east and two roof lights facing west.
12. The existing building adjacent to the courtyard is single storey enabling views over the appeal site and beyond. A daylight/sunlight assessment has been undertaken which confirms that the window serving no 21 Springfield, together the windows of the rear projection of no 23 Springfield which faces the courtyard would meet the BRE Guidelines for loss of sunlight as they would continue to receive more than 25% annual probable sunlight hours, including 5% or more in the winter months.
13. The assessment shows that the loss of sunlight to the courtyard would be below BRE guidelines. However, I note that a substantial proportion of the yard already receives less than two hours of sunlight on 21 March due to the existing boundary wall and would continue to do so after the development. The extra area which would receive less than two hours of sunlight on 21 March would be largely confined to corner spaces. Since the yard is used to access the commercial properties as opposed to an amenity area I consider that the proposal would not result in a materially harmful effect compared to the existing situation. On the issue of daylight/sunlight I, therefore, consider that the proposal would not have an unacceptable affect on the occupiers of no 21 or 23 Springfield Road.
14. The occupiers of the flat (no 21) currently have an outlook across the appeal site and beyond to the St. George's Centre. However, the introduction of a three and four storey property would result in the loss of this outlook and furthermore, it would appear imposing and dominant to the occupiers of the flat. Although the Centre is four-storey it is, nevertheless, separated from no 21 by the appeal site and the road. In contrast, the proposal would be in close proximity to no 21 and would thus have a more dominating and over-bearing effect.
15. I, therefore, conclude that the proposal would harm the living conditions of the existing occupiers of no 21 and would, therefore, be contrary to Policy DM 1 of the DMP which seeks to achieve a high standard of privacy and amenity for neighbouring properties and future occupiers. Furthermore, the proposal would be contrary to paragraph 4.53 of the SPD which states that development which is detrimental to the amenity and privacy of neighbours, or fails to secure a high standard of design and layout for its intended occupants, will not be accepted.

Living conditions of future occupiers

16. The Council has calculated that flats 2, 3, 5, 6 and 9 would fall short of the required gross internal floor areas as set out in the national technical housing standards. The appellant considers that the flats are intended to be 2

bedroom, 3 person flats, not 4 person flats. I note that flats 2 and 3 would be classed as two bed, 3 person flats not 2 bed 4 person flats due to the size of the second bedroom. Flats 2 and 3 would, therefore, meet the standard. The second bedroom of flats 5, flats 6 and flat 9 would be large enough, however, to meet the criteria for a double bedroom as set out in the standards. Consequently, those flats would short of the required standard.

17. The Council also raises concerns regarding the height of the ceilings within the roof space and whether they would meet the minimum requirement of 2.5m for at least 75% of the area. However, I am mindful that the application is outline and that consequently detailed matters such as internal floor space and ceiling heights could be resolved at the reserved matters stage.
18. The proposal would be situated immediately adjacent to the footpath on the Greenhill Way elevation and the pedestrianised area on Springfield Road. It is proposed to provide ground floor balconies for the flats fronting onto Springfield Road. I noted on my site visit that the pedestrianised area was subject to a steady flow of pedestrians heading to or from the town centre and also visiting the commercial premises on Springfield Road. Consequently, I consider that the balconies would not be private and or indeed attractive to future occupiers given the busy location.
19. Furthermore, the outlook from the living area of flat 1 and the bedrooms of flat 2 would be directly onto the busy pedestrianised area on Springfield Way. In addition flats 2 and 3 would be located immediately adjacent to Greenhill Way. I agree that due to high level windows fronting onto Greenhill Way that the privacy of the occupiers of Flats 2 and 3 would not be affected. However, the high level windows would not necessarily resolve the issue of noise and disturbance to the occupiers of flats 1, 2 and 3 arising from the location of habitable rooms immediately adjacent to the busy pedestrianised area of Springfield Road and the junction with Greenhill Way. In particular, the occupiers of flat 2 would have no refuge from potential noise and disturbance as all of the habitable rooms would front onto a busy road or the pedestrianised area.
20. Although properties along Springfield Road have small enclosed front gardens, those properties are situated further away from the busy pedestrianised area and the town centre. Furthermore, whilst the existing flat may have habitable rooms fronting onto the pedestrianised area, it does not have a balcony fronting the street. Moreover, this is a historical situation which does not justify the harm which I have identified. Attention is also drawn to ground floor flats at Byron House which front onto the pavement. However, I noted that footfall was higher in front of the appeal site than along Byron Road, reflecting the presence of commercial units on Springfield Road and Greenhill Way. Thus the occupiers of the appeal proposal would be subject to a greater level of disturbance than occupiers at Byron House. These cases are not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
21. Taking into account the siting of the proposal immediately abutting the busy pedestrianised area of Springfield Road and the junction of Greenhill Way, I am not persuaded on the basis of the evidence before me that concerns regarding noise and disturbance to the main habitable rooms of the proposed ground

floor flats and the privacy of the balconies could be easily overcome within the parameters of the layout and scale of the proposal.

22. Consequently, I conclude that the proposal would be harmful to the living conditions of future occupiers by virtue of privacy, noise and disturbance. It would, therefore, be contrary to Policy DM1 of the DMP and the SPD.

Planning Balance

23. The proposal is in a sustainable location within close distance of the town centre, services and shops. The proposal would also make a contribution to the economic dimension of sustainable development in the short term during the construction phase, in addition to the long term support of local shops and services. The proposal would contribute to the social dimension by way of an addition, albeit limited, to housing land supply. However, the proposal would not provide acceptable living conditions for existing or future occupiers. Neither would the proposal meet the environmental dimension of sustainable development as set out at paragraph 7 of the Framework. The proposal would not, therefore, constitute sustainable development.
24. I consider that the totality of the harm which I have identified to the character and appearance of the area and the living conditions of existing and future occupiers would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

25. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector