

Appeal Decisions

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: 7th November 2016

Appeal A Ref: APP/M5450/W/16/3154470
13 St John's Road, Harrow HA1 2EE

- 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 Onkar International Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5777/15, dated 14 December 2015, was refused by notice dated 10 February 2016.
 - The development proposed is external alterations to the 3rd floor of the existing office building and a 2 storey extension to provide 7 self-contained apartments.
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Appeal B Ref: APP/M5450/W/16/3154481
13 St John's Road, Harrow HA1 2EE

- 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 Onkar International Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0618/16, dated 9 February 2016, was refused by notice dated 6 April 2016.
 - The development proposed is external alterations to the 3rd floor of the existing office building and a 1 storey extension to provide 4 self-contained apartments.
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Decisions

Appeal A Ref: APP/M5450/W/16/3154470

1. The appeal is dismissed.

Appeal B Ref: APP/M5450/W/16/3154481

2. The appeal is allowed and planning permission is granted for external alterations to the 3rd floor of the existing office building and a 1 storey extension to provide 4 self-contained apartments at 13 St John's Road, Harrow HA1 2EE in accordance with the terms of the application, Ref P/0618/16, dated 9 February 2016, and the plans submitted with it, subject to the conditions in the Schedule attached to this Decision and the Unilateral Undertaking.

Procedural Matters

3. Revised plans have been submitted for both Appeal A and Appeal B showing a policy compliant level of cycle parking. The plans do not fundamentally alter the nature of the proposal and consequently I do not consider that the interests of anyone would be prejudiced by accepting them. I have, therefore, determined Appeal A and Appeal B on this basis.
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4. Attention is drawn to two prior approval applications which have been approved for the conversion of the office building to residential apartments. A separate application has also been approved for the extension and re-cladding of the third floor level and replacement of windows to the existing building.

Main Issues

5. The main issues in these cases are:
 - The effect of the proposal on the character and appearance of the host building and the surrounding area;
 - The effect of the proposal on the living conditions of future occupiers and the functioning of the existing commercial use.

Reasons

6. The appeal site is a four storey building located on the north eastern side of St John's Road within Harrow Town Centre. It is a purpose built red brick office building with an inset mansard roof at fourth floor level. St John's Road is comprised of a mix of commercial and residential development of varied design and character. The northern end of St John's Road is generally characterised by commercial property whereas development adjoining the appeal site and further south along St John's Road is mainly 2-4 storey residential property. The north western boundary of the site lies adjacent to a three storey flat roofed residential building and the south eastern boundary of the site adjoins a four-storey residential development known as Elmer Court.
7. The site is within the Harrow and Wealdstone Opportunity Area as designated in the London Plan (LP) (2015). There is a significant amount of redevelopment taking place including the demolition of the Cumberland Hotel and redevelopment with 121 residential units. Opposite the site construction has begun on the Lyon Road development site for a mixed use development comprising a range of storey heights, including a 14 storey tower block on the junction of St John's Road and Lyon Road. The character of the area is, therefore, changing significantly.
8. Appeal A seeks to reclad the existing fourth floor mansard and extend the building by way of a two-storey roof extension. The proposal would increase the height of the building by 5.6m resulting in a maximum building height of 20.6m, excluding the extension of the lift shaft, which would sit significantly higher than the three-storey flatted development to the north of the application site which achieves a maximum building height of 8.2 metres. The proposal would also noticeably exceed the height of the four-storey residential scheme (Elmer Court) to the south of the application site. Within the context of the adjoining buildings I consider that the proposal by virtue of the increased scale, bulk and massing would dominate the host property and adjacent buildings, in particular the 3 storey flats. The proposed set back would not sufficiently mitigate the dominant effect.
9. Furthermore, the stark corner and roof treatment together with the proposed zinc cladding would exacerbate the prominence of the proposal. The two-storey extension would appear bulky and dominate the host building, appearing as an after-thought rather than part of an overall design concept. Moreover, the roof terraces and windows do not reflect the fenestration pattern of the

- host building. Consequently, I consider that Appeal A would lack a coherent architectural identity.
10. The existing lift shaft/plant room extends above the existing building and it is suggested that the proposed extension would encompass the roof plant structures. However, it is proposed to increase the lift shaft as part of the appeal proposal thereby exacerbating its prominence. Furthermore, the lift shaft/plant room is much smaller in size than the proposed extension which would significantly increase the overall height, mass and bulk of the appeal building.
 11. Taking these factors in combination, I find that Appeal A would be an uncharacteristic and incongruous form of development and would consequently harm the character and appearance of the host building and the surrounding area.
 12. I acknowledge that the character of the area is changing and that there are a number of developments under construction or with planning permission which include buildings of a greater height than the appeal proposal. However, I consider that the host building relates visually to development on the north-east side of St John's Road and is seen within the context of the immediately adjacent buildings. Thus, I consider that those developments do not create a precedent for a significant increase in height in this location.
 13. Appeal B involves re-cladding the existing fourth floor mansard and extending the building by way of a one-storey roof extension. The proposal would increase the height of the building by approximately 2.9m resulting in an overall building height of 17.2m. There would only be a small extension to the lift shaft and the additional storey would be contained within the overall height of the original lift shaft/plant room. Furthermore, the proposed windows have a greater degree of synergy with the fenestration pattern of the host building.
 14. Overall, notwithstanding the limited set back, I consider that Appeal B would appear subordinate to the host building by virtue of the modest increase in height and design which better reflects the host building. Furthermore, due to its more limited scale, the proposal would not dominate the adjacent buildings. Consequently, I consider that Appeal B would not harm the character and appearance of the host building or the surrounding area.
 15. I, therefore, conclude that Appeal A would harm the character and appearance of the host building and surrounding area and would, therefore, be contrary to Policy 7.4B of The London Plan (LP) 2016 which states that buildings, streets and open spaces should provide a high quality design response. Conflict also arises with Policy 7.6B of the LP which requires buildings and structures to be of the highest architectural quality.
 16. Appeal A is also contrary to Policy CS1B of the Harrow Core Strategy (CS) (2012) which states that proposals that would harm the character of suburban areas and garden developments will be resisted. Furthermore, conflict arises with Policy AAP1 of the Harrow and Wealdstone Area Action Plan (AAP) which requires development within Harrow town centre to provide distinctive, high quality and contemporary design. Conflict also arises with Policy AAP4 of the AAP which requires all development to achieve a high standard of development. Finally, the proposal conflicts with the Supplementary Planning Document:

Residential Design Guide (RDG SPD) which also seeks to achieve a high standard of development.

17. For the reasons stated above I conclude that Appeal B would not harm the character and appearance of the host building or the surrounding area and would, therefore, not conflict with the above mentioned policies.

Living conditions of future occupiers

18. Attention is drawn to the fact that prior approval has been granted for the conversion of the existing commercial floor space to residential. I noted on my site visit that this is in the process of being implemented although it is not yet complete. However, I must determine both proposals on the basis of the plans before me and those plans show the lower floors being in office use.
19. The Council has concerns regarding the compatibility of the residential use and office use, particularly as they would share the same access, stairwell and lift. I agree that the use of one lift/access to the commercial and residential units raises concerns regarding the security of the future occupiers of the residential units given the scale of the existing commercial use on the lower floors. Consequently, both proposals would cause harm to the living conditions of future occupiers.
20. However, the appellant has submitted a signed unilateral undertaking (UU) which includes a covenant stating that the owner will only implement planning permission for the additional floor simultaneously with the implementation of the prior approval for residential conversion and the application to re-clad the third floor. Consequently, I am satisfied that the UU would overcome my concerns regarding living conditions in respect of both Appeal A and B.
21. Furthermore, given my concerns regarding the compatibility of the office and residential use, I am satisfied that the UU is both reasonable and necessary to make the developments acceptable in planning terms. The Council has had the opportunity to comment on the UU. Thus, I can take the UU into account in my Decisions.
22. As the plans which accompanied the applications show the lower floors of the building in office use a condition which states that no development shall take place until revised plans have been submitted which show the layout of the ground, first, second and third floors and also alterations to the third floor as they would be following the implementation of the prior approval and roof alterations permission could be attached to any permission.
23. For the reasons stated above, both Appeal A and Appeal B, with the suggested condition and the signed UU would not be contrary to criterion C of Policy DM1 of the Harrow Development Management Policies Local Plan 2013 which states that proposals that would be detrimental to the privacy and amenity of neighbouring occupiers or that would fail to achieve satisfactory privacy and amenity for future occupiers of development will be resisted.

Conditions

24. In addition to the standard time condition (1) I have imposed a condition (2) requiring development to be carried out in accordance with the approved plans in order to ensure certainty. As discussed above, I have imposed a condition (3) which states that no development shall take place until revised plans have

been submitted which show the layout of the ground, first, second and third floors and also alterations to the third floor as they would be following the implementation of the prior approval and roof alterations permission in order to address the inconsistency in the Plans.

25. A further condition (4) is required which states that the development shall not proceed above ground floor damp proof level until samples of the materials to be used in the construction of the external surfaces have been provided and approved in writing by the local planning authority in the interests of the character and appearance of the area.
26. Another condition (5) requires that refuse and waste bins are stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans in the interests of the character and appearance of the area.
27. Finally, I have imposed a condition requiring that the development is constructed to the specifications of Part M, M4 (2), category 2: Accessible and Adaptable Dwellings' of the Building Regulations 2013. This is to ensure that the proposal meets the needs of a range of different users over and meets the requirements of Policy 3.8 of the LP which states that 90% of new housing meets Building Regulation requirement M4 (2) Accessible and Adaptable Dwellings.

Conclusion

28. For the reasons stated above, the Appeal A should be dismissed.
29. For the reasons stated above, Appeal B should be allowed subject to the conditions on the Schedule attached to this Decision and the UU.

Caroline Mulloy

Inspector

Schedule

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and any subsequent plans required by condition 3:

Architectural statement; design and access statement; 1898 01; 1898 300; 1898 301; 1898 310 Rev B; 1898 311 Rev A; 1898 312 Rev A; 1898 610 C.
- 3) Notwithstanding condition 2, no development shall take place until revised plans have been submitted which show the layout of the ground, first, second and third floors and also the alterations to the third floor as they would be following implementation of the prior approval (s) (reference (s) P/4481/15; P/4482/15) and the roof alterations permission (P/0813/16). Development shall be carried out in accordance with those plans.
- 4) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not proceed above ground floor damp proof course level until samples of the materials to be used in the construction of the external surfaces noted below have been submitted, provided at the application site and approved in writing by the local planning authority:
 - a) External materials of the proposed cladding and new extension.
 - b) External materials of the proposed bin storage.The development shall be carried out in accordance with the approved details and shall thereafter be retained.
- 5) The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.
- 6) The development hereby permitted shall be constructed to the specifications of 'Part M, M4 (2), category 2: Accessible and Adaptable Dwellings' of the Buildings Regulations 2013 and thereafter retained in that form.