
Appeal Decision

Site visit made on 29 November 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 6 December 2016

Appeal Ref: APP/M5450/W/16/3157774
76a Longley Road, Harrow HA1 4TQ

- 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 Dr Amir Dastmalchian against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2139/16, dated 4 May 2016, was refused by notice dated 22 July 2016.
 - The development proposed is a single-storey rear extension to existing self-contained ground floor maisonette.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether occupants of the ground floor maisonette would be likely to experience acceptable living conditions in terms of internal living space and outlook; and (ii) the effect of the proposed development on the living conditions of the occupants of 74a and 74b Longley Road, with regards to outlook and daylight;

Reasons

Future Occupants

3. The appeal site forms part of a semi-detached building which has been converted into four self-contained maisonette flats. The proposal seeks to create an additional bedroom for the ground floor property through a single storey rear extension. Part of the rear garden would be used for the rear extension which would contain bedroom 2. The new bedroom would have a floor space of 10.5m², leaving bedroom 1 with a floor space of 7.6m². Overall the two bedroom property would offer an internal floor area of 55m².
 4. Policy 3.5 of the London Plan seeks to ensure all new development reflects the minimum internal floor area standards set out table 3.3. While the appellant suggests that these standards should not be retrospectively applied to existing buildings, footnote 57 of the London Plan explains that *new dwellings in this context includes new build, conversion and change of use*. Table 3.3 sets out that the minimum internal floor area for a two bedroom unit with a double and single bed is 61m². The appeal scheme is well below this minimum standard, even with the existing living room, kitchen and bathroom.
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5. Furthermore, bedroom 2 would fall below the 11.5m² standard contained in the Technical Housing Standards – Nationally Described Space Standards (THS). At 10.5m², together with the overall deficient internal living area, the occupants would, despite the long landscaped rear garden, be living in a cramped living environment. This would not be functional and fit for purpose or ensure a high quality environment that meets the needs of occupants over the lifetime of the unit. I therefore consider that the proposal would result in an unacceptable living environment, especially for a small family that is below the minimum standards of the London Plan and the THS.
6. The appellant may only put a single bed into bedroom 2, with a view to improving their living environment as per paragraph 17 of the National Planning Policy Framework (the Framework). However I must have regard to the needs of occupants over the lifetime of the maisonette flat as per bullet point four of paragraph 17, given that the overall internal floor area of the property would be smaller than that required by table 3.3 and the THS.
7. A new window would be formed in the flank elevation which would face the boundary fence and single storey extension at the rear of 78 Longley Road. A gap between the window and the fence would remain. Nevertheless this gap is not substantial and occupants would have an outlook solely of the fence and the extension at No 78 which extends above the fence line. It would be a confined outlook that would lead to an enclosed and unacceptable standard of living for the occupants.
8. For these reasons, I conclude on this issue that the appeal scheme would significantly affect the living conditions of occupants of the ground floor maisonette, in terms of internal living space and outlook. The proposal would not accord with Policy DM1 of the Harrow Council Development Management Policies (DMP), Policy 3.5C and Table 3.3 of the London Plan, the THS, the Residential Design Guide Supplementary Planning Document (RDGSPD) and paragraph 17 of the Framework. Together, these policies, amongst other things, seek to ensure development meets the minimum internal floor area standard and provides an adequate outlook for occupants.

Living Conditions of 74a and 74b

9. The extension would adjoin the party boundary fence that extends away from the rear building line of the site and No 74a. A short distance away from the rear elevation, this fence is lined by dense trees and shrubs that provide for a secluded setting to the respective rear gardens. No 74a has a large raised rear facing French door which leads out onto a raised patio roughly of the same depth as the proposed extension. No 74b has a first floor window above.
10. The single storey extension would have a lean to roof, with the highest part nearest to the host property. The fence would obscure the lower half of the extension and given the depth of the extension, it is unlikely to unduly affect the outlook from Nos 74a and 74b. While there maybe some loss of daylight, in respect of No 74a especially during the afternoon and early evening in the summer months, the extension is unlikely to cause a significant effect due to the long rear gardens that would allow light to enter the room and patio area.
11. For these reasons, on this issue, I conclude that the proposed development would comply with Policy DM1 of the DMP, Policy 7.6B of the London Plan and

the RDGSPD. Together these policies, amongst other things, seek to ensure habitable rooms benefit from adequate daylight and a means of outlook.

Other Matter

12. Although reference is made to the construction of a larger extension under permitted development rights, these rights do not apply to appeal site. Also, I do not consider this otherwise unacceptable development could be made acceptable through the use of planning conditions in this case.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR