
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: 12 December 2016

Appeal Ref: APP/M5450/W/16/3158255

25 Cooper House, Belmont Circle, Kenton Lane, Harrow, Middlesex HA3 8RF

- 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 Mr John Cooper of Cooper Properties against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0489/16, dated 29 January 2016, was refused by notice dated 24 March 2016.
 - The development proposed is an additional second floor extension for a new flat.
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Decision

1. The appeal is allowed and planning permission is granted for an additional second floor extension for a new flat at 25 Cooper House, Belmont Circle, Kenton Lane, Harrow, Middlesex HA3 8RF in accordance with the terms of the application, Ref P/0489/16, dated 29 January 2016, subject to the conditions in the attached schedule.

Procedural Matter

2. Even though the appellant does not consider the proposed amendment would affect neighbouring occupants or commercial properties, the appeal process should not be used to evolve a scheme and a fresh planning application should normally be made¹. Thus, I have considered this appeal on the basis of the scheme refused by the Council.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area; (ii) the living conditions of the occupants of 25B and 25C Belmont Circle and 4 and 5 Tower Lodge, with regards to daylight, sunlight and outlook; and (iii) the living conditions of the future occupants of the proposed flat, with regards to amenity space provision.

Reasons

Character and Appearance

4. Belmont Circle contains a mixture of commercial and residential uses that are arranged in a three storey terrace with hipped roofs above. Land which the appeal site forms part of extends between Belmont Circle and Parnel Way

¹ The Planning Inspectorate Procedural Guide, 5 August 2016, Annex M, Paragraphs M1.1 and M2.1

which is to the rear of the terrace. The appeal site itself is in-between two distinct parts of the building that have been substantially extended at the rear. As a result of previous extensions, 25B and 25C Belmont Circle are to the south of the proposed development, while 4 and 5 Tower Lodge are to the north. Timber close boarded fences line the respective private amenity spaces which border the appeal site. Office accommodation is directly below the site. This is accessed via an external staircase which would also be used by the new flat.

5. Due to the position of the appeal site and the tall nature of the terrace fronting Belmont Circle, the development would not be visible from a variety of vantage points to the south, east and west. The proposed roof form would differ from the hipped and mono-pitched roofs currently used either side of the site. While the architectural style may appear unattractive to some, paragraph 60 of the National Planning Policy Framework (the Framework) explains that *planning policies and decisions should not attempt to impose architectural styles or particular tastes*. This paragraph also explains that *it is, however, proper to seek to promote or reinforce local distinctiveness*.
6. The appeal proposal would not extend beyond the height of Tower Lodge or beyond either flank wall of the building. The design of the appeal scheme draws reference from Tower Lodge, in terms of its scale, massing and window style. Although an unsymmetrical roof is proposed, given the variety found locally, especially at the rear of Belmont Circle, the profile of the proposed roof would reflect the local distinctiveness of the area. Even though it would be visible from the east and west on Parnel Way, I do not consider that the proposed roof form would harm the character and appearance of the property and the surrounding area.
7. Accordingly, with regards to this issue, I therefore conclude that the proposed development would comply with Policy CS1.B of the Harrow Core Strategy (Core Strategy), Policy DM1 of the Harrow Council Development Management Policies (DMP), Policies 7.4B and 7.6B of the London Plan and paragraph 60 of the Framework. These policies together seek, amongst other things, roof forms with a high standard of architectural design that respond positively to local context and promote or reinforce local distinctiveness.

Living Conditions of Occupants in Belmont Circle and Tower Lodge

8. The proposal would use an area in-between existing residential properties, extending up to the boundaries of their private amenity spaces. Due to the boundary fences, the outlook from Nos 25B, 25C, 4 and 5 is constrained and occupants cannot view the appeal site. In terms of Nos 4 and 5 little would change as the proposed roof plane would angle away from these amenity spaces and it would be of a comparable height to the existing boundary fence. Those amenity spaces do benefit from varying amounts of sun and daylight owing to their southerly position. The proposed angled roof plane would lessen any impact, enabling sun and daylight to reach the amenity space. Thus, I do not consider that the occupants would feel unreasonably enclosed or endure a loss of sun or daylight.
9. On the other side, the shared amenity space of Nos 25B and 25C would back onto the appeal site. A bedroom window in No 25B and a kitchen window in 25C face the appeal site, albeit behind the fence. The proposal would be positioned to the north of those rear facing windows, which would ensure that no affect would be created in terms of sunlight. It would also limit any effect

on the amount of daylight received in the bedroom and kitchen, the latter of which is a through room that is served by two windows in the south facing front elevation which overlooks Belmont Circle.

10. Despite the boundary fence, the appeal scheme would contribute towards a sense of enclosure due to its height. However, the occupants of Nos 25B and 25C would retain an outlook that extends several metres deep into their communal amenity space which would continue to be well lit during the daytime regardless of the proposal. I consider this to be sufficient to ensure that the occupants living conditions would not be unreasonably affected.
11. For these reasons, on this issue, I therefore conclude that the living conditions of the occupants of Nos 25B, 25C, 4 and 5, with regards to daylight, sunlight and outlook would be satisfactory. The proposal would comply with Policy DM1 of the DMP, Policy 7.6B of the London Plan and the Residential Design Guide Supplementary Planning Document (RDGSPD); which together, amongst other things, seek to ensure development does not cause any unreasonable harm or loss of light or outlook to occupants of neighbouring properties.

Living Conditions of Future Occupants

12. The proposed two bedroom property would be suitable for three persons. Therefore, a number of the appeal decisions² referred to by the appellant are not directly comparable to the appeal scheme. The Mayor of London's Housing Supplementary Planning Guidance (HSPG) sets out that 5m² of private amenity space should be provided for every one or two person dwelling, with a further 1m² for each extra occupant. Thus conflict would arise with the HSPG as no provision is proposed whatsoever on site.
13. However, there are public recreation spaces nearby at Priestmead Recreation Ground and Byton Recreation Ground. Both are within walkable distance and there are crossing points and footways to support pedestrian access. It is also not unusual for occupants of flatted development to have no private amenity space. This view has been held in appeal decisions at Leamington Crescent³ and Priory Gardens⁴. While nearby flats do have small amenity spaces and the scheme does conflict with the HSPG, I do not consider that the appeal scheme should fail for this reason only, given that both public recreation spaces would fulfil Policy DM1 D(i) of the DMP which seeks to ensure there is a *satisfactory quantum and form of amenity space for future occupiers of residential development*.
14. The Council in refusing permission cite Policy 3.5C of the London Plan and the Technical Housing Standards – Nationally Described Space Standards (THS). Both documents are concerned with minimum internal space standards rather than external amenity space provision. The Council recognise that the minimum internal space standards are exceeded.
15. While the scheme is contrary to the HSPG, I conclude, on this issue that this is outweighed by the large internal living space and the scheme's conformity with Policy DM1 D(i) of the DMP, Policy 3.5C of the London Plan, the THS and the RDGSPD. These policies, amongst other things, seek to ensure occupants have access to functional amenity space.

² Appeal Decision Refs: APP/M5450/A/13/2208687; APP/A5270/A/11/2162705 and APP/M5450/A/10/2136311

³ Appeal Decision Ref: APP/M5450/A/10/2128380

⁴ Appeal Decision Ref: APP/A5270/A/13/2210373

Other Matter

16. Occupants of the flat would be very close to a wide range of services and facilities that are found in Belmont Circle. I therefore concur with the Council that no specific off-street parking provision is necessary.

Conclusion and Conditions

17. I have had regard to the conditions suggested by the Council and the appellant's comments. I have imposed a condition specifying the development permitted shall be carried out in accordance with the approved plans in the interest of certainty. A condition is necessary relating to matching materials to ensure the development blends with the character and appearance of the area.
18. Conditions to secure the provision of refuse, waste and bicycle stores are all necessary in the interests of the environment given the site's location and to promote the use of sustainable modes of transport. I have not imposed a condition regarding accessible and adaptable dwellings, as this duplicates matters that are subject of specific control outside of planning.
19. For the reasons set out above, I conclude that the appeal should succeed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411 and Planning Statement.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the submitted details, the development hereby permitted shall not be occupied until details of the position, materials and appearance of separate secure bicycle stores for the proposed unit have been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied or used until the bicycle stores thereby approved have been completed in accordance with the approved details and shall thereafter be retained and kept available for the parking of bicycles.
- 5) Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not be occupied until details (including elevations) of a scheme for the storage and disposal of refuse/waste for the proposed unit has been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained. 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.