
Appeal Decision

Site visit made on 19 December 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 26th January 2017

Appeal Ref: APP/M5450/W/16/3159834

64 Headstone Road, Ground Floor Flats, Harrow HA1 1PE

- 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 D Xioutas against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2519/16, dated 24 May 2016, was refused by notice dated 6 September 2016.
 - The development proposed is conversion of ground floor into two flats including single storey extensions (amendments to application P/5055/15).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of ground floor into two flats including single storey extensions (amendments to application P/5055/15) at 64 Headstone Road, Ground Floor Flats, Harrow HA1 1PE in accordance with the terms of the application, Ref P/2519/16, dated 24 May 2016, subject to the following 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: Drawing L1-Location; D3 Pre-existing Plans and Elevations; D3 Existing Plans and Elevations, D4 Proposed Plans and Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 4) Prior to occupation of the flats, details of boundary treatments and hard and soft landscaping, including the fencing to be erected in the rear amenity space to sub-divide the separate areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out before the first occupation of the flats hereby approved and shall thereafter be permanently retained.
 - 5) Prior to the first occupations of the flats the details of the revised location of the rear bin storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the flats hereby approved and retained permanently thereafter. The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area.
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Main Issues

2. The main issues are:

- Whether the proposal would provide acceptable living conditions for future occupants, with particular reference to internal standards of accommodation, outlook and privacy.
- Whether sufficient provision would be made for refuse storage and recycling facilities.

Background

3. The appeal relates to a traditional end terrace property located close to the centre of Harrow. It has previously been converted into three self-contained flats. The appeal property has a shallow front garden containing refuse and recycling bins, and a long narrow grassed area to the rear. The existing plans submitted by the appellant indicate that the ground floor has been further subdivided into two flats, creating a total of four flats on this site. I understand that a previous retrospective application¹ for the creation of two ground floor flats was refused, and that the present application seeks to overcome the reasons for refusal relating to this previous application.

Reasons

Living conditions

4. The proposal would include the addition of a single storey side extension and the re-configuration of living accommodation to create two flats, both having a floor area of around 37m². The appellant states that both flats would be for one person and that as such their size would comply with the Gross Internal Area (GIA) minimum size standards for new dwellings set out in the London Plan 2016². These standards comply with the nationally described space standard³, though the Council notes that these standards are minima which should be exceeded wherever possible⁴. However, as one person units, it is clear that this proposal would be acceptable in terms of the provision of internal space.
5. Looking more specifically at the internal living arrangements, the kitchen area within the rear facing flat would be located close to the bedroom, and the outlook from the bedroom would in part be over the rear refuse and recycling bin area and side access route. However, the nature of such compact accommodation means that the layout of living areas will inevitably be closely juxtaposed. Whilst the outlook from the bedroom window would be limited, there would be some visibility of the garden area to the rear, and as access to these areas would be limited to the occupants of these flats, my view is that privacy issues would not be significant. I also note that the living area of this flat would have patio-style windows providing an attractive outlook and access to the rear garden area. Overall therefore, these aspects of the living

¹ P/5055/15

² Table 3.3 of the London Plan sets out the minimum space standards for new dwellings. This states that for 1 storey dwellings one person dwellings should have a minimum Gross Internal Area of 39m², but that this can be reduced to 37m² where the dwelling has a shower room instead of a bathroom, as is the case with the present proposals.

³ *Technical housing standards – nationally described space standard* DCLG, March 2015

⁴ Mayor of London *Housing SPG* 2016, paragraph 2.3.25

conditions in the rear flat in terms of layout, outlook and privacy would be satisfactory.

6. Turning to the bedroom window associated with the front flat, the Council expresses concern that this would have a poor outlook onto the shared boundary fence with No 66. As this would be adjacent to the side access to the bins and garden area it is also suggested that there could be privacy issues. However, whilst I accept that the outlook from this room would be poor, such arrangements are not uncommon and can be acceptable in tight-knit urban environments where some limited compromises can be made in the interests of creating sustainable accommodation. Also, as noted above, as use of the side access would be limited to occupants of the flats associated with this property only, privacy issues would not be significant.
7. The Council also expresses concern about the vertical stacking of rooms resulting from this proposal, noting that the living rooms of the proposed flats would be located underneath the bedrooms of the flats above. In this respect the Harrow Development Management Policies Local Plan 2013 (the DMP) Policy DM26(b) states that the separation of bedroom and other room uses between homes will be required to have regard to the adequacy of any measures to prevent noise transfer. The Council's SPD⁵ also advises that design and layout should minimise the potential for noise transfer between new homes by ensuring that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.
8. However, this would be a small scale development with four flats in total, and as such there would be limited opportunity for noise transfer. Furthermore, I accept the appellant's comments that as the party walls and floor/ceiling interfaces would be internal to the building, such issues would be managed through the system of Building Regulations, should the appeal succeed.
9. On this matter I conclude that the proposed accommodation would provide acceptable living conditions for future occupants, with particular reference to the internal standards of accommodation, outlook and privacy. In these respects the proposal would comply with the relevant aspects of the policies quoted by the Council, including The London Plan Policy 3.5C, Policy CS1K of the Harrow Core Strategy 2012 (the CS) and DM1 of the DMP, the Mayor of London Housing SPG and the Council's Residential Design Guide SPD, all of which require new homes to meet minimum space standards and to have a high standard of design and layout.

Refuse provision

10. This proposal would result in a total of four flats being located within this building for which appropriate waste and recycling facilities would need to be provided. Whilst the current plan illustrates 5 refuse and recycling bins being located within the garden area to the front of the building, the proposed arrangements (set out in Plan D4) indicate that all future provision would be made to the rear of the property, where 5 refuse and recycling bins would be provided close to the living room of the rear flat.
11. The Council notes that this level of provision would be unsatisfactory given the increased occupancy of this property. Whilst I accept this to be the case, my

⁵ Harrow Residential Design Guide 2010

view is that there would be sufficient space to secure the appropriate number of refuse and recycling bins both to the rear of the property, and also to the front, where adjoining properties store their bins in a similar manner. To the rear there also exists the possibility that the refuse and recycling bin storage area could be moved further away from the ground floor flat to a more suitable position. Such matters could reasonably be addressed by condition should planning permission be granted.

12. I therefore conclude that this development would make sufficient provision for refuse storage and recycling facilities. In this respect it would comply with the DMP Policies DM1 and DM45 which require such provision to be satisfactory in terms of appearance, capacity, convenience and the avoidance of nuisance.

Conclusions

13. I have found that this development would be satisfactory in terms of both the living conditions which would be provided for future occupants and the provision of waste storage and recycling facilities. Therefore, I conclude that this proposal would be satisfactory when considered against the provisions of the development plan taken as a whole.
14. For these reasons, the appeal should succeed. In allowing this development I have had regard to the conditions suggested by the Council which I have considered against the advice contained in the National Planning Policy Guidance. Therefore, I have attached a condition requiring development to be carried out in accordance with approved plans to provide certainty. Conditions relating to materials and landscaping are required in the interests of the character and appearance of the area and the living conditions of the occupiers of properties in this area. A condition relating to refuse collection facilities is necessary in the interests of the living conditions of the occupiers of the flats hereby approved. I have not included the condition relating to Building Regulations suggested by the Council as such matters are covered by other legislation and therefore such a condition would not meet the test of necessity⁶.

AJ Mageean

INSPECTOR

⁶ National Planning Policy Framework, paragraph 204.