
Appeal Decision

Site visit made on 9 May 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 23 May 2017

Appeal Ref: APP/M5450/W/16/3164354

35-69 Imperial Drive, North Harrow, Harrow HA2 7DT

- 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 Aniket Chhipa of Hansa Estates Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3288/16, dated 7 July 2016, was refused by notice dated 3 October 2016.
 - The development proposed is described as *"the extension of the existing blocks to provide two additional floors of residential accommodation comprising nine flats, external works including car parking, cycle parking and landscaping"*.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reasons for refusal cite the Mayor of London Housing Guide (2016) but I have not been supplied with a copy of that document. As such I give it little weight in the determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - The character and appearance of the area; and
 - The living conditions of neighbouring occupiers with regard to outlook and privacy; and
 - The living conditions of future occupiers of the development with regard to the provision of internal and outdoor living space; and
 - Highway safety.

Reasons

Character and appearance

4. The appeal site comprises 3 blocks of flats that front, albeit at an angle, Imperial Drive and their landscaped grounds and access and parking areas. The blocks of flats are understood to have been constructed around the middle of the 20th Century and are 3 storeys with pitched roofs. The buildings have an appearance typical of their age with brick elevations and large windows arranged in vertical rows with concrete detailing and painted balconies.
 5. Imperial Drive is a main thoroughfare and is comprised of a mix of commercial and residential development of varied design and character. However, most buildings near to the appeal site are semi-detached and detached dwellings that are two storeys in height giving a consistency to the height and scale of the area's built form. As such, the area has a suburban character and
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- appearance rather than a denser urban form where taller buildings predominate.
6. The appeal proposal would replace the existing pitched roofs with an additional 2 storeys to each block providing an additional 9 flats overall. The upper storeys of each block would be inset from their façades and would have shallow pitch roofs. A lift shaft would also be added to the rear of each block of flats.
 7. The additional storeys would increase the height and massing of what are already taller buildings in an area characterised predominately by two storey buildings. I acknowledge that the buildings are softened in some view points by existing trees, although this screening would not be as effective when the trees are not in leaf. Nonetheless, the buildings are prominent in the street scene, especially in views from Imperial Drive approaching from the Rayners Lane Station direction and The Ridgeway close to its junction with Imperial Drive.
 8. Although the 5th storeys would be set back from the edge of the façades the additional storeys would still be highly conspicuous from these vantage points, dominating the street scene. The additional floors and resulting heights of the buildings would also erode the suburban character of the area. As such, I find that the additional height, bulk and massing of the additional storeys would be unduly prominent and incongruous in the street scene and therefore harmful to the character and appearance of the area.
 9. In reaching the above view I note that the top storeys would have pitched roofs which would echo the form of the host buildings and due to the topography that the flats are at a slightly lower ground level to the dwellings on the opposite side of Imperial Drive. However, the flats are already taller than many of buildings around them and therefore the additional floors would exacerbate their visual prominence to an unacceptable extent.
 10. The appellant has drawn my attention to a number of developments within Harrow which include buildings of a similar or greater height than the appeal proposal and that are of a 'modern' design. I do not have the full details of these schemes and I do not know of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. Furthermore, I consider that the existing flats are seen within the context of the immediately adjacent buildings which are suburban in character and appearance. Thus, I consider that those developments do not create a precedent for a significant increase in height in this location. In any event, I am required to determine the appeal on its own merits.
 11. In conclusion the proposal would significantly harm the character and appearance of the area and it follows that it would conflict with Policies 7.4 and 7.6 of The London Plan (LP), Policy CS 1 of the Harrow Core Strategy (CS), Policy DM 1 of the Harrow Development Management Policies Local Plan (DMP) and the adopted Supplementary Planning Document: Residential Design Guide (SPD). These policies and guidance in combination seek high quality design that has regard to and responds positively to the local context in scale, height, bulk and mass and proposals that would harm the character of suburban areas will be resisted.

Living conditions of neighbouring occupiers

12. The northern-most block of flats is within close proximity to the boundary with 33a and 33b Elm Drive (Nos 33a and 33b). The rear elevations of these dwellings face towards the side elevation and rear corner of the northern

most block albeit at a slight angle. The proposed 4th storey would be a similar height to the ridge height of the existing building. However, the visible mass of the flank wall would be substantially increased above the eaves height of the existing building.

13. The 5th storey would be inset from the side elevation. Nevertheless, when combined with the additional mass of the 4th storey and the proximity of the block to the rear elevations and the gardens of Nos 33a and 33b I consider that the proposal would be experienced by the occupiers of those dwellings as overbearing. I noted at my site visit that there is landscaping including trees on the appeal site in close proximity to the boundary with Nos 33a and 33b and this would soften to a limited extent the impact of the proposal.
14. However, this would not be as effective when this landscaping is not in leaf and this part of the site is presently overgrown and unkempt. I consider that it is likely that as part of the proposals or general management of the site that this landscaping would be cut back to some extent thereby further reducing its softening effect.
15. The proposal would introduce a bedroom window in the flank wall of the northern-most block at 4th storey level. This window would have views towards the rear elevations and gardens of Nos 33a and 33b. Whilst there are similar windows on the lower storeys of this building the added height of the window would exacerbate the degree of overlooking. The appellant has stated that it would not be possible to see into the garden or into the dwelling on Elm Drive from the roof terrace of the northern-most block. However, no detailed evidence has been provided to support this and I am not satisfied that views into the rear gardens and rear elevations of Nos 33a and 33b from the roof terrace would not be possible. The existing trees and landscaping would not fully mitigate this loss of privacy for the reasons given above.
16. Taking into account all of the above the proposal would harm the living conditions of the occupiers of Nos 33a and 33b with regard to outlook and privacy. As such the proposal would conflict with LP Policy 7.6 and DMP Policy DM 1 which seek to ensure that development does not cause unacceptable harm to the amenity and privacy of neighbouring occupiers.

Living conditions of future occupiers

17. The gross internal floor area (GIA) of the flats on the 4th storeys would be 83 square metres (sq m) and those on the 5th storeys would be 91 sq m. LP Policies 3.5 and 7.6 and CS Policy CS1 and DMP DM 1 seek to ensure that development meets a high standard of design and layout. LP Policy 3.5 also seeks development that complies with *the 'Technical housing standards – nationally described space standard'* (NDSS).
18. The NDSS states that a 3bed 4person one storey dwelling should be 74 sq m with 2.5 sq m of built-in storage. Whilst, the drawings indicate that each bedroom would have a double bed space the second and third bedroom of each flat appears to be below the NDSS for a double bedroom (11.5 sq m) and as such I have treated them as single bedrooms. The proposed flats would therefore meet the NDSS for a 3 bed 4 person dwelling and the proposed layout of the flats seems to have adequately sized rooms and would be functional and fit for purpose.
19. The floor to ceiling heights at 2.4m (4th storey) and between 2.1m to 3m (5th storey) would meet the minimum standard of 2.3m for at least 75% of the GIA as set out in the NDSS. However, LP Policy 3.5 specifically seeks a minimum floor to ceiling height of 2.5 metres for at least 75% of the GIA. This is to

address the heat island effect of London and the density and flatted nature of most residential development. As a consequence, the proposal would not strictly accord with LP Policy 3.5.

20. However, while the explanatory notes set out that this higher figure is strongly encouraged, it is not a fundamental requirement that development proposals must satisfy. In any event, the disparity between the LP Policy 3.5 figure and each of the floors is not significant and each room would be of a good size and be served by a window which would allow the living environment to be well lit, ventilated and spacious.
21. Each flat would have a balcony and the Council's Officer's Report states they would not be of sufficient size to meet the Mayor of London Housing Standards. Whilst the balconies would be small they would provide some private amenity space and have been designed to be sympathetic to the character of the existing building. Furthermore, each flat would have access to outdoor drying areas and the communal turfed and landscaped gardens.
22. Taking into account all of the above I am satisfied that, overall, acceptable living conditions for future occupiers would be provided, in this particular case. As such the proposal would comply, in this respect, with LP Policy 7.6 and DMP Policy DM1.

Highway safety

23. I note that reason for refusal No 4 states that the proposed one way system would be likely to increase parking stress on the surrounding network. This conflicts with the Council's Officer Report which states that the proposal would provide a higher ratio of parking spaces than the current situation and that the Highways Authority had not objected in regard to parking pressure. I consider that sufficient parking spaces would be provided on site and as such the proposal would not increase parking stress on the surrounding network.
24. Presently, vehicular access to the site can be gained from and to both Elm Drive and The Ridgeway and there is an access drive that runs parallel to Imperial Drive across the frontage of the site. The proposal would involve installing barriers at both entrances/exits and the introduction of a one-way system with vehicles entering from Elm Drive and exiting onto The Ridgeway.
25. The exit onto The Ridgeway is within close proximity to the junction of The Ridgeway and Imperial Drive. I noted at my site visit that this junction is very busy with constant traffic through it. However, the Council have not provided any detailed evidence to show how the additional traffic exiting from The Ridgeway would put unacceptable strain on the existing road network. I note that no transport assessment was submitted with the original planning application. However, the requirements of DMP Policy 43 for transport assessments relate to proposals for major development and there is no information in front of me to indicate that this proposal would generate significant amounts of movement.
26. The proposal would entail more vehicles exiting the site onto The Ridgeway but I noted at my site visit that there is good visibility in both directions at this exit. Any vehicles turning right leaving the site would need to cross over 2 lanes of traffic. However, as the junction is controlled by traffic lights there would be opportunities to carry out this manoeuvre in a safe and efficient manner. There would be a limited increase in the amount of traffic on the existing highway network but there are also sustainable transport options to any future occupiers. The site is within easy walking distance of train and bus services and cycle parking provision would be improved on site.

27. Taking into account all of the above I consider that it has not been demonstrated how the introduction of the one way system would not constitute a safe and suitable access for all people. Furthermore, it has not been demonstrated that the increase in parking provision on the site would prejudice highway safety. As such the proposal would comply with DMP Policy DMP 42 which seeks to ensure that access to and from the public highway from parking areas should maintain and not prejudice highway safety.

Other Matters

28. I note that the proposal would provide funds to re-invest in improvements to the existing blocks of flats and thus a general upgrade in access arrangements, fabric of the buildings and roads, improvements to security and lighting, landscaping and drying and refuse facilities. Letters of support have been submitted by residents of the existing flats supporting this concept and improving the quality of existing housing can be a legitimate aim of the planning system that is supported at a national and local level. However, I am not satisfied that this scheme is the only way in which those objectives could be addressed. As such these benefits have limited weight.
29. In terms of the three dimensions to sustainability set out in paragraph 7 of the National Planning Policy Framework (Framework), the proposal would make a modest contribution to the local economy including the provision of construction jobs, some additional local spend and New Homes Bonus and Council Tax receipts. I acknowledge that there would be sustainability benefits associated with the proposal. Specifically, the appeal site is within the built up area of Harrow where there is a range of services, facilities and employment opportunities available. An additional 9 dwellings would be created which would have a modest social role by making a limited contribution to the housing supply.
30. However, I have found that the development would have a significantly harmful effect on the character and appearance of the area and that it would harm the living conditions of neighbouring occupiers and that harm outweighs my findings on the other main issues and the benefits associated with the scheme. As such it would not accord with the environmental dimension and it would not comprise sustainable development.
31. The harm that would be caused also leads me to conclude that the proposal would conflict with the development plan. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

32. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR