
Appeal Decision

Site visit made on 26 April 2017

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/M5450/W/17/3166564

Harrow Food & Wine, 9 High Street, Wealdstone HA3 5BY

- 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 Sivguru Sivaruban against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0335/16, dated 26 January 2016, was refused by notice dated 23 August 2016.
 - The development proposed is erection of a 2 bed dwelling to the rear of 9 High Street, Wealdstone.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the principle of the proposed development in this location and the effect it would have on the character and appearance of the area;
 - b) the impact the development would have on neighbouring living conditions;
 - c) whether the proposal would create satisfactory living conditions for future occupiers of the development.

Reasons

Principle and character and appearance

3. The site is an open yard area to the rear of a three-storey end of terrace building fronting onto the commercial High Street. Running along the west rear boundary of the site and that of adjoining properties to the north is an access way. Beyond this is a sloped vegetated embankment abutting the east side of Ellen Webb Drive, which follows a curved route around this part of Wealdstone town centre.
 4. The site lies within an area that has been identified by the Council and the Mayor of London as a priority area for regeneration and designated in the London Plan 2011 and the Harrow Core Strategy 2012 as an Intensification Area. The site does not fall within the specific opportunities site 5 of the identified Wealdstone Infills in the Harrow and Wealdstone Area Action Plan 2013 (AAP). However, policy AAP13 of this plan seeks new housing, and policy
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DM 40 of the Harrow Development Management Policies 2013 (DMP) supports mixed use development in town centres. The site is at the rear of a commercial unit, but there is no evidence to establish that its development as proposed would harm the retail or service function of the unit or of the centre. In this context there appears to be no objection in principle to a residential development on this underused piece of land.

5. The proposed two-storey building has a simple rectangular form with flat roofs. The first floor element would be set back at the front and rear. The walls would be pale grey with a smooth render finish, and the windows would have plain silver aluminium framing. This contemporary style would contrast with the traditional brick elevations, pitched roofs and windows divided by glazing bars of the frontage building and terrace of which it forms part. Nevertheless, there would be a courtyard space between the proposal and the rear of the existing building, and visually the new dwelling would be clearly separated from it. In townscape terms this is a mixed area with a variety of building styles. In this context a contemporary approach could be successful.
6. However, the proposed building would fill the width of the site and extend up to the rear boundary. While there is other development at the rear of the terrace, this does not have the same extent of combined site coverage and bulk. To the rear the land slopes downwards to Ellen Webb Drive, and the elevation of the site would increase the degree of prominence of the building. Although there is some intervening vegetation, this would provide only a partial screen and could not be relied upon as a permanent presence. Despite the set back of the first floor, with its blank elevations and relative height the proposed building in this location would appear as an over-dominant and incongruous form of development as seen from the adjoining highway.
7. As a result the proposal would be harmful to the character and appearance of the locality. It does not accord with the high standard of design and layout sought by policy DM 1 of the DMP including with regard to bulk, height and scale in relation to the location and surroundings. It also conflicts with policy AAP3 of the AAP, which seeks in Wealdstone Central area that proposals are of a massing, bulk and scale appropriate to site surroundings as well as to the district centre designation.

Neighbouring living conditions

8. There is existing residential accommodation at first floor level and above within No. 9, with rear windows facing towards the proposed building. However, due to the set back of the first floor, there would be a gap of some 8.5m between these and the new building at this level. With this separation and the respective heights, the development would not be harmfully overbearing or result in an undue loss of outlook to the neighbouring residential accommodation in this or adjoining properties. No objection has been raised by the Council with respect to loss of daylight or privacy, and I have no reason to assess this differently.
9. The proposal is acceptable with regard to neighbouring living conditions, and complies with policy DM 1 of the DMP in this respect.

Future living conditions

10. No issue has been raised in relation to the layout and extent of external amenity space of the proposed dwelling. Reasonable privacy to the rear terrace area could be ensured by way of a planter screen along its edge, as suggested by the appellant.
11. However, with a floorspace of some 65sqm, the size of the dwelling would fall short of the standard of 70sqm sought in the London Plan with Alterations 2016 for a 2-bed 3-person dwelling, as applies in this case. While the appellant argues that the shortfall is marginal and that it is offset by the availability of external amenity space, the standard (derived from the nationally described space standards) is expressed as a minimum and the deficiency is material.
12. In addition, the ground floor bedroom would be served only by a high level window, which would safeguard privacy but limit outward views. This restricted outlook would give rise to an unpleasant sense of enclosure, which is not made acceptable by the use of the room.
13. The proposal would not provide satisfactory living conditions for future occupiers, and fails to achieve the quality of accommodation sought by policy 3.5 of the London Plan, policy AAP13 of the AAP and policy DM 1 of the DMP.

Other Matters and Conclusion

14. The proposal would appear to provide adequate space for refuse storage for the existing commercial and residential accommodation as well as the new dwelling, and no significant harm or conflict with policy DM 45 of the DMP would arise in this respect.
15. The appellant has referred to other cases where permission has been secured for residential development on appeal. I do not have the details of these, and I have assessed the proposal on its own merits having regard to the particular site and proposal.
16. The findings against the proposal on the first and third main issues outweigh the acceptability on the second issue and the benefits provided by new housing and environmental improvement in this accessible location. Due to the shortcomings, the proposal overall does not represent sustainable development, and it does not accord with the development plan taken as a whole.
17. For the reasons given above I conclude that the appeal should be dismissed.

T G Phillimore

INSPECTOR