
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/16/3158254
20 Waverley Road, Harrow HA2 9RB

- 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 Paresh Khakharia against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1808/16, dated 14 April 2016, was refused by notice dated 12 September 2016.
 - The development proposed is described as "*demolition of existing detached garage and erection of single storey wrap around side extension and additional rear extension and conversion of extended building into 3 self-contained dwellings with associated access, parking and bins*".
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing detached garage and erection of single storey wrap around side extension and additional rear extension and conversion of extended building into 3 self-contained dwellings with associated access, parking and bins at 20 Waverley Road, Harrow HA2 9RB in accordance with the terms of the application, Ref P/1808/16, dated 14 April 2016, subject to the conditions in the attached schedule.

Preliminary Matter

2. Both parties have cited a previous appeal decision on the site but I have not been supplied with a copy of that decision as such I give it little weight. In any case, I am required to determine the appeal on its individual merits.

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 the nearby occupiers with regard to car parking arrangements.

Reasons

Character and appearance

4. The appeal property is located in a predominantly residential area and the building itself is a 2-storey semi-detached dwelling. The appeal is roughly triangular in shape with a generous width frontage onto Waverley Road. There
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is a detached pre-fabricated garage to the side of the dwelling. The surrounding area is characterised by quite densely developed housing set behind front gardens/parking areas.

5. Policy CS1 of the Harrow Core Strategy (CS), adopted February 2012, encourages a mix of housing to promote housing choice, meet local needs and maintain mixed and sustainable communities. The conversion and extension of the appeal property to 3 flats would contribute to this objective through the provision of additional housing and increasing housing choice in the surrounding area.
6. The proposal would comprise the conversion of the dwelling to 3 flats and single storey extensions to its side and rear elevations. The side extension would replace but it would be appreciably narrower than the existing garage and it would be in line with the front wall of the dwelling. The extension to the rear would be similar to that on the adjoining dwelling. The architectural style and materials to be used would be sympathetic to the host dwelling. Furthermore, there would be noticeable gap between the side extension and the side boundary. Consequently, the extensions would be subordinate to the host dwelling and when viewed from Waverley Road the proposal would have no greater impact visually than the present situation.
7. I noted at my site visit that a large number of dwellings in the vicinity of the site have been extended in various ways and that there are examples of similar single storey side extensions on dwellings near to corners and junctions. As such, the proposal would accord with the pattern of development within the surrounding area.
8. Even though the dwelling would be extended it would still have the appearance of a single dwelling as there would be only one door visible on the front elevation and any additional refuse bins would be stored to the side behind boundary fencing. Views of the rear garden are limited to surrounding properties. I noted at my site visit that the subdivision of rear gardens is not a common feature in the immediate vicinity of the site. However, the existing curtilage of the site is large enough to provide a generous amount of amenity space for the flats with the only visible change being additional internal boundary treatment. I consider that this would have a limited effect on the character and appearance of the area given the absence of public views of the rear garden.
9. The Council considers that the change of use to flats would be out of character with the surroundings and would be detrimental to neighbouring amenity. However, there is no detailed evidence provided by the Council as to how the change of use would have a harmful effect on amenity. Even though there would be 3 households living within the development the accommodation has been designed for 5 persons overall. This would be the equivalent of one large family living within the dwelling and no additional bedrooms would be created.
10. However, I acknowledge that there could be a limited increase in the comings and goings from the property as many activities are combined and shared in a family home. Nonetheless, the intensification of the use would be limited and would still be residential in nature. As such, I do not consider that the use of the building would materially alter the character of the area. I deal with the issues concerning the living conditions of the neighbouring occupiers and car parking below.

11. Taking into account all of the above I consider that the proposal would not significantly alter the character and appearance of the area. It follows that it would comply with Policies 7.4 and 7.6 of the London Plan, CS Policy CS1 of the Core Strategy and Policies DM1 and DM26 of the Development Management Policies (DMP). These policies seek high quality design that is informed by the local character and pattern of development, contributes positively to their surroundings and that extensions should respect their host building

Living conditions

12. The existing forecourt to the dwelling is paved and appears to be used for parking. The proposal would remove the central section of hedge to enable 2 cars to be able to independently access the forecourt area. I note that the Council consider that as the PTAL rating for the area is 2, which is low, that the maximum spaces of one parking space per flat should be provided. However, I noted at my site visit that the dwelling is within walking and cycling distance of Rayners Lane Rail Station and the facilities, including bus services, on Rayners Lane. The use of sustainable transport should therefore be encouraged. Moreover, as 2 parking spaces would be provided within the site any overspill parking onto the surrounding road network would be minimal.
13. At the time of my site visit (middle of the day) I noted that there were some restrictions on parking on the highway in the vicinity of the site and that there was a moderately high demand for on-street parking spaces. I acknowledge that levels of parking in the evening when some residents return from work is likely to be higher. However, there is little evidence provided by the Council as to how parking on the street could have a harmful effect on the living conditions of the neighbouring occupiers.
14. Furthermore, in the absence of more detailed evidence of a clear parking problem and taking into account that the overspill parking would be minimal, I consider that it has not been demonstrated that the proposal would materially harm the living conditions of the neighbouring occupiers in particular regard to the car parking arrangements.
15. In these circumstances I conclude that the proposed development would not materially harm the living conditions of the neighbouring occupiers with particular regard to car parking arrangements. It follows that the proposal would comply with DMP Policies DM1 and DM26, which amongst other things seek to ensure that development is not detrimental to residential amenity.

Other Matters

16. I have no evidence before me to indicate that the appeal site is within a conservation area or that the dwelling is a listed building. As such the proposal would not affect a designated heritage asset. Furthermore, restrictive covenants, being private property matters, are outside the planning considerations with which I am concerned in this appeal.

Conditions

17. The Council have not suggested any conditions but the Officer's Report does contain a number of recommended conditions. I have considered these conditions against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework. In the interests of conciseness and enforceability the wording of some of the conditions has been amended.

18. In order to provide certainty as to what has been permitted I have imposed a condition specifying the relevant drawings. In the interests of character and appearance and amenity, it is necessary to impose conditions requiring matching materials, on boundary treatments, landscaping and refuse bin storage.
19. Finally, I have imposed a condition requiring that the development is constructed to the specifications of Part M, M4 (2), category 2: Accessible and Adaptable Dwellings' of the Building Regulations 2013. This is to ensure that the proposal meets the needs of a range of different users.
20. The PPG advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. In the case of the pre-commencement conditions, I consider that resolution of the matters specified to be so fundamental to the development that it would otherwise be necessary to refuse the application.

Conclusion

21. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

Attached – Schedule of Conditions

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: 10A010/PL01.1, 10A010/PL02.1, 10A010/PL03.1Rev A, 10A010/PL04.1Rev A.
- 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) 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.
- 5) The development hereby permitted shall be constructed to the specifications of 'Part M, M4 (2), category 2: Accessible and Adaptable Dwellings' of the Buildings Regulations 2013 and thereafter retained in that form.
- 6) The flats shall not be occupied until details of boundary treatments to be erected, in order to sub-divide the rear amenity space into 3 separate areas, have been submitted to and agreed in writing with the Local Planning Authority. The approved works shall be carried out before the first occupation of the flats and shall thereafter be permanently retained.
- 7) The development hereby permitted shall not commence until a scheme of hard and soft landscape works for the forecourt of the site has been submitted to and approved in writing by the local planning authority. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the flats or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.