
Appeal Decision

Site visit made on 16 May 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 26 May 2017

Appeal Ref: APP/M5450/W/17/3168178

Research Services House, Elmgrove Road, Harrow HA1 2QG

- 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 K1 Headstone Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4341/16, dated 12 September 2016, was refused by notice dated 29 November 2016.
 - The development proposed is "Erection of two additional floors (fourth and fifth) to building to provide 9 additional flats and amendments to approved parking layout".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the appeal property and area;
 - The effect of the proposal on the living conditions of the occupiers of dwellings on Elmgrove Road opposite the appeal property with particular regard to sunlight and daylight and outlook; and
 - The effect of the proposal on flood and drainage risk.

Reasons

Character and appearance

3. The appeal property is a prominent, part four storey, part six storey building located on the southeastern side of Elmgrove Road. It was previously in use for office purposes but is currently being converted into 73 flats as a result of a recent prior approval¹ consent. Whilst there are some alternative uses in the vicinity of the appeal property, including a post office depot to the south, and though it lies a short distance from Harrow Town Centre, the area is predominantly residential in character. Dwellings along Elmgrove Road, including those opposite and to the northeast of the appeal property, typically comprise two storey semi-detached properties. However, there are also

¹ Ref P/5343/15

examples of flatted development, including a four storey block to the immediate southwest of the appeal property.

4. The appeal property comprises two distinct elements; a main, wide, four storey block, which faces Elmgrove Road; and an off-set narrower block which is cantilevered from first floor level and which protrudes modestly to the front of and to a greater extent to the rear of the main block and which rises two storeys above it. At six storeys, this element of the building is of a greater height than most other buildings in the area. However, it is an attractive and interesting architectural feature of the appeal property which contributes positively to its overall character and appearance. In addition, given its narrowness when compared with the main block, this element does not appear dominant or excessive in scale.
5. The proposal seeks to add an additional two storeys to the main four storey block to provide an additional 9 flats. I acknowledge that the resultant building would be no higher than the existing six storey element and that the appellant has sought to integrate the building as a whole.
6. However, the increase in height of the main block by two storeys would considerably dilute the interest and attractiveness of the off-set, narrower, taller block. Moreover, the excessively modest setback of the additional two storeys would be inadequate to ensure visual subservience to the building as a whole. The proposal would therefore subsume and undermine the original character and appearance of the building. It would also increase greatly the overall bulk and massing of the building to a scale at substantial odds with the scale, bulk and massing of other buildings in the area. In addition, the arrangement of balconies would appear complicated and out of keeping with the prevailing simple and uniform character of the building.
7. On this basis, I consider that the proposal would result in an incongruous form of development, excessive in bulk, mass and overall scale, which would give rise to significant harm to the character and appearance of the appeal property and area.
8. I accept that the appellant has enhanced and modernised the appearance of the building through its recladding². Nevertheless, this does not alter my conclusions on this main issue. I also note that the appellant indicates that a plant room on top of the narrower block is no longer required and could be removed from the plans. However, even if this were feasible, it would not overcome my intrinsic concerns.
9. I therefore conclude that the proposal would be contrary to Policy CS1B- Overarching Policy, of the Core Strategy³; Policy DM1- Achieving a High Standard of Development, of the DMP⁴; Policy AAP4- Achieving a High Standards of Development Throughout the Heart of Harrow, of the HWAAP⁵; and Policies 7.4B- Local Character and 7.6B- Architecture, of the London Plan⁶. These policies require, amongst other things, development to respond positively to and integrate with local context and character, to reinforce local

² Consented under Ref P/5926/15

³ The Harrow Core Strategy 2012 (Core Strategy)

⁴ The Harrow Council Development Management Policies 2013 (DMP)

⁵ The Harrow and Wealdstone Area Action Plan 2013 (HWAAP)

⁶ The London Plan- the Spatial Development Strategy for London Consolidated with Alterations Since 2011 March 2016 (London Plan)

distinctiveness, to achieve a high standard of design and architectural quality and to relate to its surroundings in terms of massing, bulk, scale, height and proportion.

10. The Council also cites conflict with Policy AAP1- Development Within Harrow Town Centre, of the HWAAP. However, it is my understanding of the evidence that the appeal property does not lie within Harrow Town Centre. As such, this policy is not of relevance to the appeal.

Living conditions

11. The evidence indicates that the appeal property is located a distance of approximately 32 metres from the two storey dwellings on the opposite side of Elmgrove Road. I acknowledge that the proposal would increase considerably the bulk and massing of the appeal property and there would be a noticeable change in the view from any front facing windows of these properties. However, given the substantial separation distance involved, I do not consider that the proposal would be overbearing in any views from these properties. Thus, it would not result in any material harm to the outlook of the occupiers of these properties.
12. The appellant has submitted a Daylight, Sunlight and Overshadowing assessment as part of the appeal which has been undertaken in accordance with current best practice⁷. I am satisfied that the Council has had an opportunity to comment on the findings of the Assessment. The Assessment concludes that the proposal would not have any notable impact on sunlight or daylight levels to the properties along Elmgrove Road opposite the appeal property. In the absence of any compelling evidence to the contrary, I have no substantive reasons to consider otherwise.
13. I therefore conclude that the proposal would not result in any material harm to the living conditions of the occupiers of properties along Elmgrove Road opposite the appeal property. Thus, it would not materially affect their enjoyment of their homes.
14. The proposal would therefore comply with Policy DM1 of the DMP; and Policy 7.6B of the London Plan in this regard. These policies require, amongst other things, development to respect the amenity of neighbouring occupiers including in respect of light and outlook. It would also comply with the guidance of the Council's Residential Design Guide⁸ which reflects these requirements.

Flood risk

15. The National Planning Policy Framework (the Framework) indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This translates into an approach whereby local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test (ST), it can be demonstrated that the development is appropriately flood resilient and

⁷ BRE *Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice* 2011

⁸ The Harrow Council Residential Design Guide Supplementary Planning Document 2010 (Residential Design Guide)

resistant. The aim of the ST is to steer new development to areas with the lowest probability of flooding.

16. There is dispute between the main parties as to whether or not the appeal site is located within an area at risk of flooding. The Council suggests that, according to its Strategic Flood Risk Assessment (SFRA), the appeal site lies within Flood Zone 3a and is therefore subject to a high probability of flooding. No substantive evidence has been submitted by the Council to demonstrate this to be the case. Conversely, the appellant has provided a copy of the Environment Agency's (EA) Flood Map for the area which clearly shows the appeal site falling within Flood Zone 1, an area at low risk of flooding. Moreover, an image of a map from the Council's SFRA has also been provided by the appellant which appears to indicate that the appeal site lies outside of any flood risk area. Furthermore, having regard to Footnote 20 of the Framework, there is no substantive evidence before me to indicate that the appeal site has critical drainage problems as notified to the Council by the EA.
17. Whilst I note that the car park area of the appeal site falls within an area identified by the EA as having a low to medium surface water flood risk, the appellant states that underground drainage systems are in place to deal with this. I have no compelling reasons to dispute this. Moreover, the proposal would not increase the footprint of the existing building and the car park area would not be subject to any material changes beyond those previously consented. In addition, the appellant points out that flood risk is a consideration within a prior approval notification for a change of use from office to residential. It therefore seems to me that this matter was likely to have been considered acceptable by the Council when it considered the recent prior approval notification for the change of use of the building. It has not been fully substantiated by the Council what, if anything, has changed between the time of that application and the application subject to this appeal.
18. Therefore, on the basis of the evidence before me, I am satisfied that the proposal would not result in any increased flood or drainage risk. Thus, there would be no conflict with the aims and objectives of the Framework in this regard. There would also be no conflict with Policy CS1U of the Core Strategy; and Policy DM9- Managing Flood Risk, of the DMP. These policies require development to minimise the risk of flooding on site and not to increase the risk of flooding elsewhere.

Other matters

19. I acknowledge that the appeal property falls within an area identified by the Council and the Mayor of London as a priority area for regeneration and is designated within the London Plan and Core Strategy as an area for intensification. In addition, the proposal would make a contribution, albeit in the wider scheme of things a limited one, to housing supply within the Borough. Moreover, I accept that the proposed dwellings would provide a good quality living environment and a good level of access to local services and facilities for any future occupiers. I also recognise that some construction jobs would be created, that there would be a modest increase in local spending and that the Council would receive some additional Community Infrastructure Levy and Council Tax payments. These benefits weigh in favour of the proposal. However, they would not be sufficient, in my view, to outweigh the harm that would arise to the character and appearance of appeal property and area.

Conclusion

20. Whilst I have not found harm in respect of living conditions and flood and drainage risk, I have found harm to the character and appearance of the appeal property and area. Such harm would be significant and would not be outweighed by any benefits. Thus, for the reasons set out above and having regard to all other matters, including parking pressure, highway safety, noise and disturbance, crime, pollution, privacy, telecoms interference and the structural integrity of the building, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR