
Appeal Decision

Site visit made on 16 May 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 2nd June 2017

Appeal Ref: APP/T5150/W/17/3168908
231 Kenton Road, Harrow HA3 0HD

- 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 and Mrs Shah against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/3951, dated 8 September 2016, was refused by notice dated 12 December 2016.
 - The development proposed is rear part of the shop convert into residential with first floor extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Plan PL-02 includes a reference to the ground floor rear window being obscurely glazed. Neither the appellants' statement nor the Council's officer's report or statement of case, suggest that this window would be obscurely glazed. I have therefore considered the appeal on the basis that the ground floor rear window is not proposed to be obscurely glazed.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of Number 51 Drayton Waye with particular regard to outlook; and future occupiers with particular regard to outlook and light, and
 - the provision of servicing for the remaining commercial unit.

Reasons

4. The appeal site is a commercial unit within a parade of shops and commercial premises on Kenton Road, which is a busy main road. Behind this parade there is a narrow road, Drayton Waye which acts as a service road for the units along the parade. Drayton Waye runs parallel to Kenton Road and links Upton Gardens and Draycott Avenue.
 5. A number of the units in the parade have their upper storeys in residential use and these are accessed from, and have windows overlooking, Drayton Waye.
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6. The proposed development would involve severing and converting the rear part of the commercial unit to residential, and building a new flat roofed storey above it to form a two storey flat. The flat would be accessed at ground floor level from Drayton Way.

Living conditions of the occupiers of no. 51 Drayton Way

7. Number 51 Drayton Way is one of the flats overlooking Drayton Way and sits above the commercial unit. It looks out over the roof of the rear part of the unit and is separated from it by a walkway which provides access to the flats. It is accessed from the walkway via an open communal staircase adjacent to the appeal property. Its front door and lower floor window sit partly behind a parapet wall which runs along the edge of the walkway.
8. The upper part of the proposed development would be very prominent in views out from no. 51 Drayton Way since it would be higher than the top of the existing parapet wall by around 0.65m, resulting in effectively a new wall of around 1.4m in height. It would also stretch the full width of the site, close to the window of no 51 Drayton Way and present a bulky and dominant form of development.
9. The proposed development would lead to the removal of a large flue which currently protrudes from the roof of the ground floor commercial unit and is very evident in views from no. 51 Drayton Way. However the proposal would present a bulky form of development, stretching the full width of the property, close to the lower storey window of no. 51 Drayton Way. This would be significantly more dominant in the outlook from no. 51 Drayton Way than is the existing two storey development to the rear of the adjacent supermarket.
10. I conclude that the proposed development would be harmful to the outlook of occupiers of no 51 Drayton Way and contrary to Policy DMP1 of the Council's Development Management Policies Development Planning Document 2016 (the DMD) which requires development to be of good design and to protect amenity.

Living conditions of future occupiers

11. The proposed development would create a two storey flat comprising a bedroom on the ground floor and a lounge and kitchen/dining room on the upper floor. The bedroom would have a window overlooking Drayton Way whilst the upper storey would have an obscurely glazed window on the side elevation overlooking the communal external staircase and a clear glazed window, with metal bars, on the rear elevation overlooking Drayton Way.
12. The depth of the ground floor part of the flat in relation to the single window would be likely to result in poor light conditions within the part of the bedroom furthest away from the window. Although the upper storey has an additional, albeit obscurely glazed window, the light conditions in the proposed kitchen area would be poor given the number and size of the windows.
13. The outlook from the bedroom window would be extremely poor as it would look out directly, at very close quarters, on to Drayton Way.
14. From my site visit I could see that Drayton Way was busy with servicing and other activity related to the businesses along the parade and also accommodated outside bin storage, other storage and car parking. As a result I consider that the outlook from the ground floor window of the flat would be

extremely poor and would be harmful to the living conditions of future occupiers.

15. Should the appeal be allowed, it would be possible to impose a condition requiring this window to be obscurely glazed. However, this would only exacerbate the poor light conditions in the ground floor of the flat and therefore would not be acceptable. The appellant has indicated that the windows could be widened to provide more light. However I am determining this appeal on the basis of the plans before me and in any case my view would be that wider windows would have the effect of exacerbating the poor outlook from the ground floor of the proposed flat.
16. I conclude therefore that as a result of poor light conditions and the outlook from the ground floor window, the proposed development would be harmful to the living conditions the future occupiers of the proposed flat, contrary to Policy DMP1 of the DMD, Policy 3.5 of the London Plan 2016 which requires housing to be of a good design and standard, and with the guidance set out in the Council's Design Guide for New Development Supplementary Planning Guidance 17.

Servicing

17. The proposed development would result in the loss of the ability to service the retail unit via the rear. Servicing would have to take place from the front. However Kenton Road is a major distributor road and loading in front of the parade of the shops is prohibited. The presence of safety railings, a pelican crossing and the configuration of the junctions with Upton Gardens and Willowcourt Avenue, all within the immediate vicinity of the site, would make loading or unloading along this part of Kenton Road extremely hazardous.
18. It would be possible for service vehicles to park in the parking bays on Upton Gardens close to its junction with Kenton Road, but the spaces are limited and are pay and display. These spaces are intended for shoppers and visitors to the businesses along the parade and a service vehicle parked there could hinder the ability for shoppers or visitors to find a convenient space. Equally the spaces could all be taken by shoppers or visitors, leaving a service vehicle with no safe place to load/unload.
19. Whilst the parade is in a location close to public transport including two nearby Tube stations, the ability for shoppers and visitors to use the short term parking bays will be important for the economic prosperity of the businesses.
20. I accept that the nature and level of servicing related to the appeal building's current use as a financial services office may be quite different to some other units along the parade including, for example, the adjacent supermarket.
21. However I would expect that there would be a degree of service needs for the office, and in any case under permitted development regulations the use could revert back to a restaurant (class A3) or a shop (class A1) without requiring planning permission. Furthermore the proposal would lead to a loss of an external bin storage area for the waste from the commercial unit meaning that waste would also have to be removed via of the front of the premises.
22. Therefore I conclude that the proposed development would have a harmful effect on highway safety and parking provision, and would be contrary to Policy DMP1 (b) of the DMD which seeks to ensure that development does not have

an adverse effect on the movement network and Policy DMP12 of the DMD which seeks to protect existing on street parking provision.

Other Matters

23. The appellants have drawn my attention to a number of appeal decisions which relate to issues of amenity space provision. In its Officer's report, the Council does not consider the lack of amenity space to be a matter for refusal and in any case I have decided this appeal on its merits.
24. I have also taken into account that that the proposed development will provide additional living condition in a town centre location well served by public transport. However the benefits of the proposed development in this regard do not outweigh the harm caused as I have set out above.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR