

Appeal Decision

Site visit made on 16 May 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 22nd June 2017

Appeal Ref: APP/M5450/W/17/3168229

7 Elms Road, Harrow Weald, Harrow NA3 6BB

- 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 Nagle against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4150/16, dated 30 August 2016, was refused by notice dated 17 November 2016.
 - The development proposed is construction of 2.5 storey block of 8 flats with associated parking and general area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised plan was submitted with the appeal. The plan shows the proposed flats in the roof space of the building would have a ceiling height of 2.5m. The revision is minor in nature such that the substance of the appeal has not changed. As a result, I find that no party would be prejudiced by my consideration of the plan. I have therefore taken it into account.

Main Issues

3. The main issues are:
 - whether the proposal would be acceptable having regard to development plan policies in relation to the location of new housing;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide acceptable living conditions for future occupiers with particular regard to internal space and noise and disturbance;
 - the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Location

4. Policy CS1(A) of the Harrow Core Strategy 2012 (CS) states that growth will be managed in accordance with the spatial strategy contained therein. The Harrow and Wealdstone Intensification Area will be the focus for regeneration,
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providing for a significant portion of new development. Growth throughout the rest of the Borough will be directed to town centres and strategic previously developed sites. That strategy seeks to meet and exceed the Borough's housing and economic development objectives in order to achieve sustainable growth. Policy CS1(B) states that the development of gardens will be resisted. Paragraph 4.5 of the supporting text to Policy CS1 states that the aim of the spatial strategy is to preserve the suburban character to which residential gardens play an integral part.

5. Such an approach is consistent with Paragraph 53 of the National Planning Policy Framework (the Framework) which states that local planning authorities should consider the case for policies to resist inappropriate development of residential gardens as well as Policy 3.5 of the London Plan¹ which states that a presumption against development on private residential gardens may be introduced where locally justified.
6. It is proposed to demolish the existing detached dwelling on the site and construct a two-and-a-half storey property comprising eight flats. Paragraph 3.7 of the Harrow Local Plan Garden Land Development Supplementary Planning Document 2013 (GLD SPD) states that the Council will allow any enlargement in footprint of existing dwellings that is equivalent to whichever is the larger of either: the footprint of any permitted extensions (excluding outbuildings) that could be exercised for the dwelling or the footprint of an extension (excluding outbuildings) that would be consistent with Harrow's Residential Design Guide SPD 2010 (RDG SPD).
7. I note that there are currently shed and garage structures adjacent to the existing dwelling. The appellant indicates that, taking these into account, the proposed footprint would not be much larger than the existing. However, the guidance in paragraph 3.7 of the GLD SPD is clear that outbuildings are excluded from the calculation of the existing footprint. The existing dwelling has already been extended with a single storey side and rear extension and has an overall footprint of around 145m². In contrast, the proposed building would have a substantially larger footprint of around 251m². The appellant indicates that it would be possible to extend the existing house through permitted development rights. However, there is no evidence before me that the existing footprint could be extended to the same extent as that proposed either under permitted development rights or in line with the RDG SPD.
8. Thus, the evidence before me indicates that the proposal would constitute the development of garden land. As a result, whilst the proposal would make a contribution towards the housing stock of the Borough, it would be unmanaged, incremental growth contrary to the spatial growth strategy and would have a harmful impact on the delivery of that strategy.
9. I conclude, therefore, that the proposal would not be acceptable having regard to development plan policies in relation to the location of new housing. The proposal would conflict with CS Policies CS1(A) and CS1(B), Policies 3.5 and 7.1D of the London Plan, the Council's GLD SPD and the Framework.

¹ The London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011, 2016

Character and Appearance

10. The appeal site comprises a two-storey detached dwelling located in a predominately residential area, generally characterised by low density, two-storey housing. Properties largely have pitched roofs with a prevailing use of brickwork in their external appearance. Plot sizes are substantial and properties are generally set in from the side boundaries. In addition, front gardens are generously soft landscaped giving the area a spacious and open suburban character.
11. The proposal would involve the demolition of the existing dwelling. In its place would be a 2.5 storey property containing eight, 2 bedroom flats. The property would extend close to both side boundaries of the site with a gap of around 1m either side. Whilst the existing property extends up to the side boundaries, it does so with subservient, outbuildings. In this instance, the full height and depth of the main building would occupy the majority of the plot's width. Moreover, whilst it would be in line with the adjacent property, 9 Elm Road, to the front, the building would nevertheless occupy a significantly larger footprint than the existing dwelling and a substantially increased proportion of the overall plot. As a result, I find the building would appear unduly cramped, in contrast with the prevailing pattern of development in the area.
12. The proposal would include a small bin store to the front of the site close to the road. Whilst potentially visible in the street scene, the appellant indicate the bin store would be screened by boundary treatments. Thus I am satisfied the bin store would not appear as a conspicuous feature. Nevertheless, the front garden of the site would be almost all covered in hard surfacing for the parking and manoeuvring of vehicles. Whilst some soft landscaping would be provided, this would be confined to a small buffer around the boundaries. The proposal would therefore appear in stark contrast to the landscaped front gardens in the area and at odds with the open and spacious suburban character of the area.
13. I note that there are several properties in the area which are 2.5 and 3 storey in height. However, from what I have seen such buildings are in contrast to, rather than representative of, the prevailing character of the area. In any event, I have limited detail of those cases and cannot therefore be sure they draw similar comparisons to proposal before me here. I have therefore considered this appeal on its own merits.
14. I conclude, therefore, that the proposal would, overall, have a harmful effect on the character and appearance of the area. As a consequence, the proposal would conflict with Policy 3.5A of the London Plan which states that housing developments should be of the highest quality in relation to their context and to the wider environment. It would also conflict with London Plan Policies 7.1D, 7.4B and 7.6B which state that the design of new buildings should reinforce or enhance the character of the neighbourhood, that buildings should provide a high quality design response should be of the highest architectural quality.
15. The proposal would also conflict with CS Policy CS1B which states that proposals that would harm the character of suburban areas and garden development will be resisted. It would also conflict with Policies DM1 and DM23 of the Harrow Development Management Policies 2013 (DMP) which state that all development must achieve a high quality design and proposals that fail to make appropriate provision for hard and soft landscaping of

forecourts will be refused. Finally, there would be conflict with the guidance set out in the RDG.

Living Conditions – Future Occupiers

16. At the time the application was considered by the Council, flats 7 and 8 within the roof space were shown to have a maximum floor to ceiling height of 2.3m, below the minimum 2.5m for at least 75% of the gross internal floor area required by Policy 3.5 of the London Plan. However, the appellant has provided a revised plan which shows that a minimum 2.5m height would be provided across 76% of the gross internal floor area of those flats. The Council has had the opportunity to comment on the revised plan but has not done so. As a result, I am satisfied the proposal would provide sufficient internal ceiling heights for future residents.
17. Nevertheless, Policy 3.5 of the London Plan sets out minimum space standards for new dwellings, in line with the Nationally Described Space Standards. All of the proposed flats would have a gross internal floor area of 65m² - in excess of the minimum 61m² set out under Policy 3.5. However, Policy 3.5 also sets out a minimum built in storage space requirement of 2m². Storage space within all eight of the proposed flats would fall below the minimum standard. Indeed, in two instances the flats would provide just 1.4m². Consequently, the proposal would fail to provide adequate storage space, resulting in sub-standard living accommodation for future residents.
18. I recognise the proposed car parking would result in comings and goings from future residents, both on foot and in vehicles, close to the bedroom windows of the ground floor flats. However, there would be some defensible space in the form of landscaping provided between those flats and the car parking area. Moreover, a significant proportion of those comings and goings would be from the ground floor flats themselves and the level of movements overall would not be so substantial to give rise to significant harm to future residents.
19. However, Paragraph 5.12 of the RDG SPD states that the vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. It goes on to state that, where possible, the horizontal arrangement of rooms between flats in a block should also avoid bedrooms adjoining neighbouring living rooms, kitchens and bathrooms, as well as communal areas such as halls and stairs.
20. In this instance, the living rooms of flats 7 and 8 would be directly above the bedrooms of the first floor flats. This relationship would result in the transmission of noise from the everyday use of the living room to the bedrooms below. The proposal would therefore fail to adhere to the guidance in the RDG SPD.
21. I have not been presented with any evidence that any measure to mitigate the transmission of noise could be achieved or indeed would satisfactorily ameliorate noise. As a result, I consider the relationship would result in a harmful level of noise and disturbance to the future occupiers of the proposed first floor flats.
22. I conclude, therefore, that the proposal would not provide acceptable living conditions for future occupiers with particular regard to internal space and noise and disturbance. To that end, the proposal would conflict with London

Plan Policies 3.5B, 3.5C and 3.8 which state that new housing should take into account their physical context, that new homes should have convenient and efficient layouts which are functional, and that homes should meet requirements for different sizes and types of dwellings. It would also conflict with DMP Policy DM1 which states that proposals that would fail to achieve satisfactory amenity for future residents will be resisted. Finally the proposal would conflict with the guidance set out in the RDG.

Living Conditions – Neighbouring Occupiers

23. The Council suggests that a maximum of 24 people would occupy the proposed development. Based on the floor space standards under Policy 3.5 of the London Plan that the proposal would adhere to, I see no reason to disagree. The proposal would provide a car parking area to the front of the property which would accommodate 8 spaces. As a result, there would be a significant, material increase in the levels of pedestrian and vehicular movements to and from the property.
24. Whilst I recognise this would be somewhat out of scale with the prevailing nature of single family dwellings in the area, the parking and access areas for the property would nevertheless be sited away at an angle from the habitable rooms of 9 Elms Road and would be a substantial distance from the closest habitable rooms of No 5. In addition, the movements deriving from up to 24 residents would not be so great as to give rise to significant levels of noise that would transmit over such distances. The proposal would not, as a consequence, result in harmful levels of noise and disturbance for future residents.
25. I conclude, therefore, that the proposal would not have a harmful effect on the living conditions of neighbouring occupiers with particular regard to noise and disturbance. The proposal would therefore accord with DMP Policy DM1 insofar as it states that proposals that would be detrimental to neighbouring amenity will be resisted.

Other Matters

26. I note the proposal would not breach a 45 degree line from the windows of neighbouring properties and would not therefore have a harmful effect on the living conditions of neighbours in respect of overlooking or light. Nevertheless, the lack of harm in such respect would not outweigh the harm which I have identified.
27. I have considered the Council's concerns regarding the effect on the living conditions of No 5 with regard to outlook as set out within its Officer Report. I have also considered the concerns of local residents in respect of highway safety, air pollution and biodiversity. However, given my findings in relation to the main issues above, such concerns do not lead me to any different overall conclusion. Nor indeed would any lack of harm in respect of trees and landscaping, the adequacy of outdoor amenity space or the level of car parking and cycle provision.

Conclusions

28. The proposal would make a net contribution of 7 new dwellings to the housing stock in the area, in line with the aim of boosting the supply of housing set out in the Framework. This is an important benefit. I also note the appeal site is

relatively sustainably located in terms of access to services, facilities and public transport. This too is a benefit of some importance.

29. However, such benefits would not outweigh the harm that would result in relation to the delivery of the spatial strategy for the Borough, the character and appearance of the area and the living conditions of future residents. What is more, whilst I have found the proposal would not result in harm to the living conditions of neighbouring occupiers, I find the harm in respect of the other main issues to be the prevailing consideration in this instance.
30. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR