

Appeal Decision

Site visit made on 20 June 2017

by Janet Wilson BA (Hons) BTP MRTPI DMS

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

Decision date: 27 July 2017

Appeal Ref: APP/M5450/W/17/3171694

50A Kenton Lane, HARROW HA3 8UD

- 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 Mrs D Kanabar against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4126/16, dated 30 August 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the construction of a rear dormer and conversion of loft space into a habitable room and shower WC.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council in their analysis concluded that there were no issues in relation to the impact of the development on the character and appearance of the area or the living conditions of the occupiers of adjacent properties. Considering these facts the main issue is the acceptability of the loft conversion on the living conditions of existing and future occupants with particular reference to internal space standards.

Reasons

3. The existing first floor layout would be slightly modified to accommodate the stairway to the proposed loft, otherwise it would remain unchanged. The Council's view is that the proposal would result in two double bedrooms and it would become a four person dwelling. The appellant has disputed this view stating that the new room improves the living conditions for the existing occupiers and would meet minimum standards with storage space provided in the eaves making efficient use of the space that is below head height, arguing that this would be a two bed, three person unit not a two bed four person unit.
4. I undertook an accompanied site visit and carried out an inspection of all rooms within the first floor flat as well as viewing the roof space. Whilst there would be restricted head height in part of the proposed room, from my inspection and from the dimensions detailed on the submitted plans it was clear to me that the proposed bedroom would be capable of accommodating a double bed and thus the proposed accommodation should be considered as a two bedroom four person unit.
5. In 2015 the government published Technical housing standards, these provide the most relevant and up-to-date requirements. The London Plan - The Spatial

Development Strategy for London Consolidated with Alterations since 2011 (2016) (the London Plan) (London Plan) was amended in March 2016 and reflects these standards.

6. These standards require two bed, four-person two-storey dwellings to have a minimum Gross Internal Area (GIA) of 79 m². The appellant's calculations, state an increase in the size of the existing flat from 45.5 m² to 70.5m², which would only meet the standard for a two bedroom three person unit over one floor, whereas it would be below standard for accommodation on two levels.
7. The dimensions cited by the Council state the proposed floor area to be 65m² and the appellant 70.5 m². In either case the accommodation falls short of the minimum standards required and would not provide for acceptable living accommodation with the resulting effects on the health and wellbeing of future occupants.
8. I have taken into account the appellant's suggestion that a planning condition be imposed to restrict the occupancy of the flat to three persons. Such a condition would not meet the necessary tests required by planning guidance specifically in relation to precision, enforceability and reasonableness. I also note that while the intention may be to improve conditions for the existing occupier, I must consider the effects on all residents including future occupiers.
9. Policy 7.6 B of the London Plan has been referred to by the Council. However this primarily relates to issues of architecture and the amenity of surrounding buildings. The Council has not taken issue with this matter and the policy is not strictly relevant here. It is also noted that the Council quote different guidance in their reason for refusal to that in their report analysis, it is to the 2016 guidance that the technical standards refer.
10. For the above reasons the proposal falls short of the required space standards and would result in the creation of deficient accommodation. This would be in direct conflict with Policy 3.5 C of the London Plan and Policies DM 1 and DM 26, of the Harrow Development Management Policies Local Plan and to the Mayors Housing Supplementary Planning Guidance in the London Plan (2016). These policies and guidance when taken together seek to ensure that the provision of housing meets minimum floor space requirements in order to provide satisfactory accommodation for occupants.

Other matters

11. The appellant has drawn attention to an incorrect assumption by the Council that there is no external amenity space for this flat commenting that the submitted plans show the external amenity space which has not been taken into consideration by the Council. Whilst the existence of the external amenity space is noted as shown on the submitted plan it does not affect my findings with respect to minimum space standards.

Conclusion

12. In the light of the above and having considered all other matters the appeal should be dismissed.

Janet Wilson

INSPECTOR