



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/17/3172135

The Old Substation, Land adjacent 2 London Road and 5 Partridge Close, Stanmore LONDON HA7 4PA

- 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 Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4478/16, dated 20 September 2016, was refused by notice dated 30 November 2016.
 - The development proposed is described as the change of use from an old electricity substation (sui-generis) to an incidental building (C3) to an existing residential dwelling (5 Partridge Close). Change of use applies to the whole site area. A dropped kerb is also proposed to allow for vehicular access into car parking bays.
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Preliminary matters

1. The development is described differently by the Council and the appellant. The Council use the following in their decision notice "*construction of single storey detached building with basement, conservatory and rooms in roof space for use as garage, home office, sauna and cinema room ancillary to dwelling house at 5 Partridge Close; Demolition of existing substation*". Neither description includes all elements of the proposal as detailed on the plans and also the Council in their reasons for refusal state that the building would not be ancillary to the existing dwelling house.
2. In the interests of clarity the basis on which I have dealt with this appeal includes the change of use of the substation site to domestic use (Use Class C3) and for the erection of a structure for domestic use ancillary to 5 Partridge Close which includes the excavation of a concealed basement.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are: the effect of the development on the character and appearance of the area; and the effect on the living conditions of the occupiers of adjacent properties with specific reference to outlook and visual impact.

Reasons

Character and appearance

5. The former substation site is located between existing residential properties, these are characterised by large plots with spacious gardens where outbuildings are not a particular feature. The land is around 6 metres wide and occupied by a redundant utility building. The substation would be replaced by a structure which would involve the excavation of a fully concealed basement. It would have a footprint four times larger than the existing structure; would be approximately 5.4 metres tall (0.8 metres taller than the existing structure), 5 metres wide and with a ground floor dimension of around 13 metres and upper floor of approximately 9.5 metres.
6. The basement would accommodate a cinema room and sauna/steam room; a store room, shower room and garden room situated on the ground floor and a home office contained within the roofspace incorporating roof lights either side. Only the single storey garden element would be within the appellants existing garden.
7. The resulting scale and massing of the building, in comparison with the land on which it is located, would be disproportionately large. From London Road the structure would appear as a large garage with accommodation above and open parking in front. However due to the retention of existing boundary treatment the design would not read as part of the adjacent property rather more as an independent structure. Such that it would appear at odds with the dwellings either side.
8. The Council's Supplementary Planning Document: Residential Design Guide (SPD) (2010) requires extensions to harmonise with the scale and architectural style of the original building and the character of the area. The proposal would fail to achieve this due to its bulk, massing and relationship with neighbouring buildings. This coupled with the proposed depth, the juxtaposition and the relationship with existing buildings would result in an incongruous feature which would be out of keeping with the prevailing character of the locality.
9. For the above reasons it would be harmful to and detract from the character and appearance of the area in conflict with Policies 7.4 B and 7.6 B of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations since 2011 (2016) (the London Plan); Policy CS1(B) of the Harrow Core Strategy (2012); Policies DM 1 of the Harrow Development Management Policies Local Plan (2013) (DMPLP) and to adopted Supplementary Planning Guidance (2010) (SPG) and with the high design aspirations of the National Planning Policy Framework (the Framework). These policies and guidance together seek to ensure that developments have regard to local context, contribute positively to the urban landscape, promote local distinctiveness and do not harm the character of an area.

Living conditions

10. The development would retain the existing boundary walls between the site and the neighbouring properties which do provide a degree of screening. Nonetheless the building would be highly visible from both adjacent properties and in the case of No 2 London Road would be between 1 and 2 metres away from the side elevation on which there are existing windows. Whilst I do not

consider that the development would cause any actual overlooking the mass of the building and the presence of three roof light windows (albeit obscure glazed and fixed shut) in each roof slope would lead to an overbearing impact on the living conditions of the occupants of the adjacent properties. The roof lights would not be set above eye level in relation to the upper floor and given the extent of floor space maintaining the likely demand for these to be opening roof lights is a concern. Even if they were to remain fixed the issue of the perceived overlooking from neighbours would remain.

11. Furthermore, the bulk and massing would, in addition to the concerns already set out, cause an overbearing impact on the neighbouring properties which would result in harm to the living conditions of the occupiers of the two adjacent properties in conflict with Policy 7.6 B of the London Plan and Policy DM 1 of the DMPLP and the guidance contained in the SPG. These policies and guidance seek to ensure that development does not have any harmful effect or detract from the living conditions of neighbouring properties.

Other matters

12. The appellant stresses that: there should be a presumption in favour of development applied here; the existing structure is of little architectural merit; the proposal would make use of an underused site with a poor visual appearance; and that the design would improve a site with a negative visual appearance. I observed on my visit that whilst the site is not in use it did not give the appearance of being derelict, unduly untidy or necessarily offensive in its appearance. It was not, in my view, injurious to the character and appearance of the locality to the extent that would warrant the construction of an inappropriate building in its place. In any event I have determined the appeal on its own merits on the basis of the evidence before me.
13. The appellant refers to the government's philosophy of promoting the extension and expansion of homes without unnecessary interference. However this applies to permitted development and does not apply here as the site is not in residential use and as a sui-generis use any change of use would require consent.

Conclusion

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

Janet Wilson

INSPECTOR