
Appeal Decision

Site visit made on 2 August 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 10 August 2017

Appeal Ref: APP/M5450/W/17/3174007
246A Streatfield Road, Harrow HA3 9BY

- 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 Riyaz Rajabali against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4628/16, dated 29 September 2016, was refused by notice dated 10 January 2017.
 - The development proposed is described as "Splitting of existing 1st and 2nd floor 4 bedroom maisonette to 2no. 1 bedroom flats, one on each floor. Access from rear unchanged."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the living conditions of future occupiers with regard to internal space; and
 - the provision of refuse and recycling facilities.

Reasons

Living Conditions

3. The existing flat on the appeal site is a maisonette split over the first and second floors of a three-storey building within a shopping parade. It is situated above a retail unit, currently used as a hair salon. The appeal property is accessed via an external metal staircase to the rear of the building. No external changes are proposed as part of the appeal proposal. The existing flat has a kitchen, living room, bedroom, study and 2 bathrooms at first floor level, with a further 3 bedrooms and 2 bathrooms at second floor level.
4. The proposed development would comprise 2 flats with a bedroom, a shower room, a toilet, and a reception room within each flat on each floor. The proposed plan 2016/Streatfield/P/03 does not show a kitchen provided for the proposed first floor flat. However, this could be accommodated within the proposed reception room and I have considered the proposal on this basis.
5. The appellant has submitted a design and access statement which indicates the proposed occupancy of the new units. However, as the Council has noted, there

- is an inconsistency in the document which refers to the proposal as 2no. 1-person, 1-bed flats in Section 1 and to 1 x 1-bed (2-person) flat on the 1st floor and 1x 1-bed (1person) flat on the 2nd floor in Section 3.
6. As indicated by the proposed plan 2016/Streatfield/P/03, both proposed residential units would be one-bedroom flats. However, the size of the bedroom in each of the proposed flats is large enough to be classed as a double or twin bedroom by the London Plan (2016) and the Technical Housing Standard – Nationally Described Space Standards 2015 (NDSS) and the proposed beds are shown as double beds capable of accommodating 2 people in each bed. Additionally, each proposed flat contains 2 toilets. I have therefore assessed each proposed flat as a one bedroom flat for 2 people.
 7. Policy 3.5 of the London Plan addresses the quality and design of new housing in London, requiring the highest quality both internally and externally. This policy is supported by Table 3.3 which sets out minimum space standards for new dwellings. In the case of a one bedroom flat for 2 people, the minimum overall floorspace requirement is 50m² with built-in storage of 1.5m². While both proposed units would provide sufficient storage to meet the London Plan requirements and NDSS requirements, neither proposed unit would meet the minimum overall floorspace of 50m². Based on proposed plan 2016/Streatfield/P/03, the proposed first floor flat would have a total floorspace of 43.3m² and the proposed second floor flat would have a total floorspace of 40.4m². From all that I have seen and read, I consider that the proposed development would lead to cramped, unsatisfactory living conditions for future occupiers.
 8. The first reason for refusal also makes reference to inclusive design. While the officer's report confirms that the proposed development would not be highly accessible for wheelchair users, it also acknowledges that these circumstances already exist at the site. On balance, and noting that the appellant has referred to promoting accessibility within the proposed units, I consider that this level of accessibility is acceptable and would not therefore contravene policy 7.2 of the London Plan, which seeks accessible and inclusive design.
 9. Concluding on this main issue and notwithstanding my findings in relation to accessibility, I consider that the proposed development would cause harm in terms of living conditions for future occupiers due to the floorspace proposed for each unit. Consequently, the proposed development would be contrary to policies 3.5 and 7.6 of the London Plan, policies DM1 and DM26 of the Harrow Council Development Management Policies 2013 (DMP), the NDSS and the Council's Supplementary Planning Document: Residential Design Guide (2010) (SPDRDG). Amongst other things, these policies seek to ensure the adequacy of the internal floorspace of residential units in relation to the needs of future occupiers. The proposed development would also conflict with the National Planning Policy Framework (the Framework), which states that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Refuse Storage

10. At the time of my site visit, the refuse and recycling bins for the existing flat at No 246A were stored adjacent to the bottom of the external metal staircase on a grassed area within the rear yard. This rear yard forms part of 246 Streatfield Road's property. A window and a door serving the ground floor level retail unit

at No 246 both face the yard. The room served by the window was in use at the time of my site visit. No screening for refuse storage is provided for the existing flat's bins. Concerns have been raised by the proprietor of No 246 that previous tenants of the existing flat have overfilled the bins with the consequent effect of attracting vermin.

11. The application form confirms that the proposed flats at first and second floor level would make use of the existing bin area within the rear garden and that refuse collection for the existing flat is undertaken by the Council.
12. Policy DM45 of the DMP states that all proposals will be required to make on site provision for general waste and recycling materials and be located and screened to avoid nuisance to occupiers and adverse visual impact. The appellant has not provided any substantive information on the location and screening of any proposed refuse storage arrangements for both flats and how they would relate to the retail unit at ground floor level. Additionally, I have limited information on the frequency of refuse collections. Given the level of information provided and the concerns expressed about management of refuse storage, I do not consider it appropriate to address this matter by means of condition.
13. I conclude that the lack of on-site provision for refuse storage would cause harm with regard to both nuisance and adverse visual impact on existing and future occupiers of the ground floor retail unit at No 246. The proposed development is therefore contrary to policy 7.6 of the London Plan, policies DM1, DM26 and DM45 of the DMP and the SPDRDG. These policies, amongst other things, address the need for provision to be made for appropriate refuse and recycling provision to avoid nuisance. Additionally, it would be contrary to the Framework, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
14. The Council has referred to policy 7.4B of the London Plan in respect of refuse storage. In this instance, I do not consider that this policy is directly relevant as it relates to developments being of high quality design and addressing local characteristics.

Other Matters

15. I note that the appeal site does not lie within a conservation area, is not subject to special designation, and that the proposed development would be in keeping with the character and pattern of development within the locality, where numerous flats are located above retail units at ground floor level. This includes a recent development at No 244, where 2 existing flats were converted into 4 flats. I have only very limited information on the circumstances of the planning permission at No 244. In any event, I must deal with this appeal on its own merits.
16. The appellant has also confirmed that the proposed development is in a sustainable location with good access to public transport, and that the proposed units have appropriate stacking, and would not cause loss of light to neighbouring occupiers. These issues do not alter my decision. Additionally, the appellant has noted that the proposed residential unit would contribute to housing supply in the locality. The relatively limited benefit of one additional unit does not outweigh the harm I have found in this instance. Furthermore, the provision of pre-application advice is a matter for the Council.

17. I acknowledge the concerns expressed by the neighbouring occupier regarding loss of privacy and the ability of staff of the hair salon to use the rear yard, noise and disturbance from the proposed flats due to a higher number of tenants, increased parking/loading issues, repeated flooding incidents, and adherence to building regulations during refurbishment. These do not alter my findings on this appeal.

Conclusion

18. For the reasons set out above, and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

J Gilbert

INSPECTOR