
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: 16 August 2017

Appeal Ref: APP/M5450/W/17/3173978

28 Byron Road, Wealdstone, Harrow HA3 7ST

- 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 Chinedu Ufoeze against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5847/16, dated 16 December 2016, was refused by notice dated 14 February 2017.
 - The development proposed is conversion of dwellinghouse into two flats; single storey rear extension; rear dormer; second floor rear extension; balustrade to roof terrace on top of first floor rear flat roof; external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that the appellant and the Council have agreed a revised description of development. I have used this revised description in the heading above.
3. I also note that the decision notice refers to BR/2016/001D, BR/2016/010, BR/2016/004A, Site Plan, and Design and Access Statement. The appeal was submitted with the following plans: BR/2016/001D Rev D, BR/2016/010, BR/2016/010A, BR/2016/004A Rev A, and Site Plan. The discrepancies between the plans appear to relate to a reduction in depth of the proposed single-storey rear extension by 1m and the proposed balustrading being moved 1m back from the end of the property. The Council has confirmed that it determined the application on the basis of these amendments, which were submitted on 14 February 2017. For the avoidance of doubt, I have considered the amended plans in reaching my decision.

Main Issues

4. The main issues are the effect of the proposed development on (a) the character and appearance of the area; and (b) the living conditions of future occupiers of 28 Byron Road and of the existing and future occupiers of 26 Byron Road.

Reasons

5. The appeal property lies on Byron Road, close to the junction with Oxford Road. Byron Road consists predominantly of two-storey terraced houses with

small front gardens. Neighbouring Oxford Road is primarily occupied by larger buildings with non-residential uses. The rear of the row of terraced houses on Byron Road, including the appeal site, can be viewed from Oxford Road.

6. The proposed development would convert the existing dwelling into two self-contained flats. It would also involve single and second floor rear extensions, a rear dormer and a balustrade to create a roof terrace above the existing outrigger.

Character and Appearance

7. The existing house and neighbouring Nos 26, 30 and 32 have two-storey flat-roofed rear outriggers. These neighbouring properties have been substantially extended, including a number of rear dormers, second floor extensions and roof terraces, single-storey rear extensions and large outbuildings within the rear gardens. Although I noted the presence of these significant extensions during my site visit, I have limited information on their planning histories. In any case, I must deal with this appeal on its own merits.
8. The 2 rear outriggers of the appeal site and No 26 are broadly symmetrical in terms of their form, with the existing outriggers sitting comfortably at an angle to the main buildings. Although No 26 has a large dormer, this is confined to the main rear roofslope. The proposed dormer, second floor extension and balustrading on the flat roof of No 28's outrigger would introduce a large, boxy addition which would significantly upset the balance of the outriggers. This would harm the proportions of the existing building and its neighbour.
9. The Council's adopted Residential Design Guide Supplementary Planning Document 2010(RDGSPD) states that inset distances from the eaves, ridge and edges of the roof are required when introducing a dormer. These insets should normally be between 500 – 1000mm. Although the proposed dormer on the main roof is set down from the ridge and up from the eaves, the insets are not sufficient to reduce the dormer's dominance or to comply with the SPD. Together, the proposed dormer, second floor extension and balustrading to the terrace would form an unduly dominant and incongruous feature. These proposed changes to the roofscape would be clearly visible from the gardens of surrounding houses and from Oxford Road and would cause harm to the character and appearance of the area.
10. The proposed single storey rear extension would protrude 4m from the rear of the building. It would be of an appropriate design, size and scale relative to the original building. I disagree with the Council's view that it would be overly large and bulky when viewed with the existing outrigger and neighbouring extensions. I also consider that the building line to the rear of the properties at ground floor level is no longer consistent. I do not therefore consider that the proposed single-storey rear extension would cause harm to the character and appearance of the area. However, this would not outweigh the harm identified above.
11. I appreciate that the building is neither listed nor lies within a conservation area and that the only change proposed to the front roofslope of the existing house is the insertion of 2 rooflights. Furthermore, I note that the proposed materials will match existing materials. However, these matters do not outweigh the harm I have found in this instance.

12. With regard to visual clutter from refuse storage, it was evident during my site visit that refuse and recycling bins are currently stored within the appeal property's small front garden space. There is sufficient space for 3 bins to be accessed to dispose of refuse. However, the proposed development would require provision of 3 further bins to serve the proposed additional residential unit. The 6 bins would fill the space between the brick boundary wall and the building. Having observed the cumulative effect of numerous bins already present within the street scene during my site visit, I consider that the lack of provision for refuse storage would result in a very cluttered front garden with the existing separation between the boundary wall and the building almost entirely obscured. I consider that this visual clutter would cause harm to the character and appearance of the area.
13. The appellant has suggested that this is an issue normally addressed by condition with standard wheelie bins being positioned in the front garden as is the general pattern along the street. The plans BR/2016/010 and BR/2016/010A show an area of the front garden for refuse storage adjacent to the boundary wall with No 30. This area is clearly insufficient for the number of bins required. While refuse storage is often dealt with by means of condition, this would not overcome the harm I have identified in this instance.
14. I therefore conclude that the proposed development would harm the character and appearance of the area. As a result, it would be contrary to policies 7.4 and 7.6 of the London Plan 2016, policy CS1 of the Harrow Core Strategy 2012 (CS), policies DM1, DM23 and DM26 of the Harrow Development Management Policies 2013 (DMP) and the Council's RDGSPD. Amongst other matters, these policies seek to deliver high quality design which respects local character. Furthermore, it would conflict with the National Planning Policy Framework (the Framework), which seeks to secure high quality design.

Living Conditions

15. The Council's decision notice refers to inadequate living conditions for future occupiers of the proposed flats due to poor stacking and failure to meet internal space standards and a detrimental effect on living conditions for occupiers of No 26 due to the potential for overlooking from the roof terrace. I shall deal with these issues in turn.
16. 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, including flat conversions. The proposed ground floor flat complies with the relevant standards for internal space and would provide a reasonable level of accommodation. The Council raises no concerns in this regard and, based on all that I have read and seen, I have no reason to come to a different conclusion.
17. In the case of a two-bedroom 4 person flat on 2 floors, the minimum overall gross internal area (GIA) requirement is 79m². The proposed first and second floor flat would have a proposed GIA of 68.7m² according to plan BR/2016/001D Rev D. I note that the Council and the appellant have supplied different floorspace figures for this proposed unit in their officer report and statement respectively. Despite discrepancies, all the figures provided indicate that the proposed unit would be below the London Plan requirements.

18. Footnote 3 of Table 3.3 confirms that the nationally described space standard sets a minimum ceiling height of 2.3m for at least 75% of the GIA of a dwelling. However, this footnote also states that in order to address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the GIA is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. While I note that it may be difficult to achieve a minimum ceiling height of 2.5m in a flat conversion, little evidence has been provided to confirm if the proposed upper flat can meet the minimum requirement of 2.3m minimum ceiling height for at least 75% of the floorspace. The appellant has only confirmed that the proposed development would meet the minimum 2m height required by Building Regulations. No section has been provided.
19. Concern has also been raised regarding the proposed stacking of the ground and first floors of the proposed development. Plan BR/2016/001D Rev D shows the first floor living space over the ground floor bedroom and the first floor bedroom above the ground floor living space. This would not satisfactorily address concerns about noise and disturbance between the proposed units and would give rise to a poor quality of life for the future occupiers of both proposed flats. The appellant has suggested that this can be dealt with by condition and administered through Building Regulations, but I have limited evidence that this is the case. In the absence of certainty that this issue can be satisfactorily addressed, I find that the proposal would have a detrimental effect in relation to stacking.
20. Taken together, the underprovision of floorspace and the lack of evidence on minimum ceiling heights within the first and second floor flat would give rise to a cramped environment for its occupiers. As this flat is on the upper floors and would have very limited external amenity space, the quality of internal space is of considerable importance. Furthermore, the inappropriate stacking of rooms within different flats would cause noise and disturbance to the future occupiers of both proposed flats. These issues would cause material harm to the living conditions of future occupiers.
21. The proposed single-storey rear extension would extend 1m beyond the existing extension at No 26. Although I note the presence of both the outbuilding and single-storey extension at No 26 and the limited garden space available to the occupiers of that property, I do not consider that the proposed single-storey extension at the appeal site would be overbearing.
22. The proposed second floor roof terrace would be sited on the roof of the existing two-storey flat-roofed outrigger, with a green roof and obscure-glazed balustrading to the sides and rear. Although part of the proposed extension for the second floor bathroom would obscure the view of the existing rear dormer at No 26, this would not cause overshadowing to No 26 as it would not block sunlight or daylight given its position. The proposed roof terrace would then extend beyond the end of the proposed dormer. It would have obscure glazed panels preventing future occupiers of the upper flat at No 28 from viewing the rear dormer at No 26. As such, I find no harm in terms of the living conditions of occupiers of No 26, with regard to loss of privacy, overlooking, and loss of sunlight and daylight.

23. I note that the neighbouring occupier of No 26 has also raised concerns regarding noise and disturbance due to a higher number of residents. However, I have limited evidence on this matter. It does not change my overall conclusions.
24. Consequently, I conclude that the proposed development would cause harm to the living conditions of future occupiers of the two proposed flats at No 28. As such, the proposed development fails to comply with policies 3.5 and 7.6 of the London Plan, policy CS1 of the CS, policies DM1 and DM26 of the DMP, and the Council's RDGSPD. These policies, amongst other things, seek to ensure that development does not have any adverse effect on the living conditions of future occupants relating to the provision of adequate indoor space. 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.

Other Matters

25. The appellant has confirmed that the proposed development is in a sustainable location with good access to public transport, shops and services, that the proposed units would have enough daylight and sunlight and would comply with Building Regulations, including enhanced energy efficiency. These issues do not alter my decision. Additionally, the appellant has noted that the proposed residential units would contribute to housing supply in the locality and would widen the range of accommodation available. The relatively limited benefit of one additional unit does not outweigh the harm I have found in this instance.
26. I note that the Council has raised concerns about the lack of landscaping to the frontage. This matter could be addressed by means of condition. Additionally, the neighbouring occupier has suggested that the loss of a manhole would be of concern. This is not a planning matter.

Conclusion

27. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Gilbert

INSPECTOR