



Appeal Decision

Site visit made on 5 July 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 4th September 2017

Appeal Ref: APP/M5450/W/17/3172627

328 and 328A Eastcote Lane, South Harrow, Harrow HA2 9AJ

- 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 Sivaneswaran against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/3900/16, dated 9 August 2016, was refused by notice dated 16 November 2016.
 - The development proposed is conversion of existing flat into two flats; first floor rear extension; single storey rear extension to retail unit including balcony for first floor flat; bin / cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing flat into two flats; first floor rear extension; single storey rear extension to retail unit including balcony for first floor flat; bin/cycle storage at 328 and 328A Eastcote Lane, South Harrow, Harrow HA2 9AJ in accordance with the terms of the application, Ref: P/3900/16, dated 9 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15124-15-02 - Floorplans as Existing; 15124-15-03 - Elevations & Section as Existing; 15447_PL_001 - Proposed GA Ground Floor Plan; 15447_P1_010 C - Proposed GA Ground First Floor Plans; 15447_P1_011 C - Proposed GA - Second Floor and Roof Plan; 15447_PL_020 - Proposed GA - Section & Elevation; and 15447_PL_021 - Proposed GA - Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The flats hereby permitted shall not be occupied until the opaque glazed privacy screen shown on Drawing Numbers 15447_PL_020 and 15447_PL_021 has been installed to a height of 1.8 metres above the finished level of the roof terrace. The privacy screen shall be retained thereafter for the lifetime of the development.

Procedural matter

2. During the processing of the application the description of the proposed development was changed by the Council. The description used accurately sets out the development proposal and I note that the appellant has adopted this on the appeal form. I have therefore also used the same description for the purposes of the appeal.
3. The appellant submitted a set of amended drawings with the appeal which show a revised internal layout. Whilst these drawings were not before the Council when they considered the planning application, the Council has had the opportunity to comment on them through the appeal process. As the amended drawings relate solely to amendments to the layout of the proposed flats and do not increase the size of the proposed extension or the location of windows to habitable rooms within it, I do not consider that the interests of any third parties would be prejudiced were the appeal to be determined on the basis of the amended drawings. I have therefore considered the appeal on this basis.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed development would provide suitable living conditions for the future occupiers, with particular regard to internal floorspace and outlook;
 - The effect of the proposed development on the living conditions of the occupiers of the neighbouring properties, with particular regard to overbearing and privacy; and
 - The effect of the proposed development on the operation and servicing of the retail unit.

Reasons

Living conditions of the future occupiers

5. When read together Policies 3.5, 7.2 and 7.6 of the London Plan 2016 (the London Plan), The London Plan Housing Supplementary Planning Guidance 2016 (the SPG) and Policies DM1 and DM2 of the Harrow Council Development Management Policies 2013 (DMP) seek to ensure that new residential development provides a minimum standard of accommodation and is fit for purpose. The reason for refusal refers to Core Policy 7.6B of the Harrow Core Strategy, whereas the text of the officer's report references Policy 7.6 of the London Plan, a copy of which was provided with the appeal documents. I have assumed that the reference in the reason for refusal is a typographical error.
6. London Plan Policy 3.5 sets out minimum gross internal areas (GIA) required for new dwellings based on their proposed occupancy. Whilst the supporting text to Policy 3.5 of London Plan suggests that developers should state the number of bedspaces or occupiers a home is designed to accommodate rather than the number of bedrooms, the application does not specify the occupancy of the proposed flats. There is some disagreement between the parties over what the occupancy would be. The Council assessed the proposal on the basis of the development providing a 2 bedroom, 4 person flat, and a 1 bedroom, 2 person flat and on this basis concluded that the development failed to meet the

- minimum standards set out in London Plan Policy 3.5 and the Technical Housing Standards - Nationally Described Space Standard (the Standard).
7. The appellant, however, suggests that the dwelling is categorised by its layout and room sizes. In the absence of any formal guidance in either Policy 3.5 or in the Standard, I would agree that this is a logical way of determining occupancy where it is not explicitly specified in the application.
 8. The proposed two bedroom flat would have bedrooms of 11.9m² and 9.6m² respectively, and the one bed flat has a bedroom area of 9.5m². The Standard specifies the minimum floorspace for a single bedroom is 7.5m² and for a double bedroom 11.5m². On this basis the proposed development would provide a 2 bedroom, 3 person flat (2b3p) and a 1 bedroom, 1 person flat (1b1p).
 9. London Plan Policy 3.5 requires that a 1b1p dwelling provides a minimum GIA of 39m², and a 2b3p dwelling, over two floors, 70m² GIA. It is common ground between the parties that the one bedroom flat would have a GIA of 50m², which exceeds the minimum requirement set out in the Standard. The minimum GIA requirement in the Standard for a 2b3p dwelling is 70m². The Council calculate the GIA of the two bed dwelling as 68m² and the appellant calculates it as 71m² including an area of under eaves storage which the Standard allows to be included at 50% of its area. Even if the Council's figure is correct, the shortfall is not large. From the submitted floor plans and my internal inspection of the building during the site visit, I am satisfied that the proposed 2 bedroom flat would provide adequate space for the day to day living requirements of three occupiers.
 10. The plans that were considered by the Council showed the one bedroom flat with an internally located bedroom which did not have any windows. The revised drawings that have been submitted with the appeal have reconfigured the internal arrangement of this flat and relocated the bedroom to a position where it has a window on the external wall of the building. This would provide an adequate level of daylighting and outlook. The proposed flat would have a combined living room and kitchen area which, whilst deep in plan form, would have a patio door in the end elevation and three roof lights over the living space. I am satisfied that this would provide an adequate level of daylighting into that space.
 11. I therefore conclude that the proposed development would provide suitable living conditions for the future occupiers, with particular regard to internal floorspace and outlook. It would comply with the relevant requirements of London Plan Policies 3.5, 7.2 and 7.6 and Policies DM1 and DM2 of the DMP which seek to ensure that new dwellings meet certain minimum standards and are fit for purpose.

Living conditions of neighbouring occupiers

12. The appeal building is a two storey terraced property with rooms in the roof space served by dormer windows. At ground floor level it consists of a shop unit and the upper floors are a maisonette. To the rear of the appeal building, on the opposite side of a small lane, are a number of terraced bungalows which are orientated such that their side elevations face the terrace of buildings on Eastcote Lane. These bungalows are configured with the entrance door to the end property located on the side elevation together with two small windows.

13. The proposal would not extend the upper floor of the existing rear addition to the appeal building closer to these bungalows, although it would be extended to the side over an existing roof terrace. Whilst the development proposes a new roof terrace over the ground floor store extension to the shop unit, which would be closer to the bungalows than the existing roof terrace, the submitted drawings show this being enclosed by an opaque glass screen. This would limit any views from the proposed roof terrace into the gardens of the neighbouring properties. The precise height of this privacy screen is not specified, although from the drawings it appears to be in the region of 1.8 metres high and this height could be secured by a condition.
14. At present the rear gardens of the neighbouring bungalows can be overlooked from the existing roof terrace of the appeal building and from a window in the end elevation of the rear addition. The proposed development would not result in any additional degree of overlooking above that which currently exists.
15. It is not suggested that the proposed ground floor extension would result in an overbearing effect on the neighbouring bungalows and whilst the privacy screen around the proposed new roof terrace would be closer to the neighbouring properties than the current first floor wall of the rear addition, it would be a relatively low and lightweight structure. The privacy screen would be set back from the end wall of the proposed ground floor extension and the combined effect of these would not, in my opinion, result in an overbearing impact on the adjacent bungalows. I am also mindful that no objections to the proposal have been received from the occupiers of these properties.
16. I conclude that the proposed development would not cause harm to the living conditions of the occupiers of the neighbouring properties, with particular regard to overbearing and privacy. It would comply with the relevant requirements of Policy 7.6 of the London Plan, Policy DM1 of the DMP and the Harrow Residential Design Guide Supplementary Planning Document 2010 which seek to ensure that new development does not have a detrimental effect on the living conditions of existing neighbouring occupiers.

Effect on the operation of the retail unit

17. The appeal building currently has a small open yard area to the rear which has access to the ground floor shop unit. Within this area it would be possible to park a small commercial vehicle, such as a van, to service the shop. The proposed development would remove this parking area. There are parking restrictions in the form of double yellow lines on Eastcote Lane and for some distance along Kings Road.
18. DMP Policy DM44 requires that non-residential developments make arrangements for servicing that maintain or improve the safety and flow of traffic on the public highway. It is not clear from the evidence whether the lane to the rear of the appeal building is adopted as a highway or not. This notwithstanding, I saw when I visited the site that within the same terrace there are a number of other commercial properties that have been extended to the rear such that no in-curtilage parking is provided for service vehicles. I also saw that although the rear lane is used for parking, its width is such that, even if vehicles are parked in it, a small commercial vehicle could still pass along it to reach the rear of the appeal building.

19. This would allow the shop unit to continue to be serviced without the requirement for a vehicle to park on the main carriageway of Eastcote Lane or Kings Road. I also note that the Highway Authority, whilst expressing a preference for businesses to retain their servicing facilities, particularly where these exist off the highway, have not objected to the proposal, nor has any evidence been submitted that would indicate that there are any existing safety concerns. On this basis, I can see no fundamental conflict with the requirements of DMP Policy DM44.
20. I therefore find that the proposed development would not adversely affect the operation and servicing of the retail unit.

Conditions

21. In addition to the standard conditions I have imposed a condition specifying the approved drawings in order to provide certainty as to what has been approved. In order to ensure that the proposed extension is in keeping with the existing building and the remainder of the terrace, it is necessary to impose a condition requiring that the extension be constructed in matching materials. As set out above, in order to ensure that the living conditions of neighbouring occupiers are preserved, it is also necessary to attach a condition requiring that the proposed opaque glazed privacy screen is provided to a height of 1.8 metres.

Conclusion

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

John Dowsett

INSPECTOR