
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: 11th September 2017

Appeal Ref: APP/M5450/W/17/3173001
17 Rosslyn Crescent, Harrow HA1 2SA

- 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 Hussain against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/4971/16, dated 20 October 2016, was refused by notice dated 4 January 2017.
 - The development proposed is the conversion of a single family dwelling house into two self-contained flats including ground floor rear extension and rear roof dormer.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a single family dwelling house into two self-contained flats including ground floor rear extension and rear roof dormer at 17 Rosslyn Crescent, Harrow HA1 2SA in accordance with the terms of the application, Ref: P/4971/16, dated 20 October 2016, subject to the conditions in the attached schedule.

Procedural matter

2. An amended drawing (Drawing number 230-PROP-01G) was submitted with the appeal, which slightly increases the size of the proposed dormer window. Although this drawing was not before the Council when it determined the planning application, the Council has had the opportunity to comment on this as part of the appeal. There were no third party representations in respect of either the planning application or the appeal and as the amended drawing does not materially alter the proposal, I do not consider that the interests of any third parties would be prejudiced were the appeal to be determined having regard to this amendment. I have therefore considered the appeal on the basis of the amended drawing.

Main Issues

3. 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 space; and
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the storage of refuse bins.

Reasons

Living conditions of the future occupiers

4. Read together, Policies 3.5 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 DM26 of the Harrow Council Development Management Policies 2013 (DMP) seek to ensure that new residential development, both new build and conversions, meets certain minimum standards in terms of the accommodation provided and that it would be practical and fit for purpose.
5. The proposed development seeks to extend and convert an existing terraced house to create two flats. It is common ground between the parties that the proposed development would result in one 1 bedroom, 2 person (1b2p), flat on the ground floor, and one 2 bedroom, 3 person (2b3p), flat with the latter being over two upper floors. It is also not in dispute that the proposed 1b2p flat meets the requirements of Policy 3.5 of the London Plan and the Technical Housing Standards - Nationally Described Space Standard (the Standard).
6. The gross internal area (GIA) of the upper floor 2b3p flat at the time that the proposal was determined by the Council equated to 66.4m², and the majority of the loft space had a floor to ceiling height of 2.11m throughout the loft area. Policy 3.5 of the London Plan requires that a 2b3p dwelling over two floors has a minimum GIA of 70m² and the Standard requires that at least 75% of the dwelling area has a minimum floor to ceiling height of 2.3 metres. However, I note from the Design and Access statement that, as originally submitted, the proposal provided a GIA of 70m² for the upper flat. I also see from the appellant's Statement that the GIA fell below the minimum requirement as a consequence of the size of the rear dormer being reduced at the request of the Council, which is noted in the Officer's Report.
7. The appellant states that the amended drawing which has been submitted with the appeal would return the GIA of the upper flat to 70m² and also increase the floor to ceiling height within the roof space so that over 75% of the floor area of the upper flat has a floor to ceiling height of 2.3 metres or above. This position is not contested by the Council. On this basis, the proposal would meet the required minimum standards.
8. The Council have not raised any other concerns in relation to the standard of accommodation that would be provided with regard to daylighting, outlook or access to amenity space.
9. I therefore conclude that the proposed development would provide suitable living conditions for the future occupiers, with particular regard to internal space. It would comply with the relevant requirements of Policies 3.5 and 7.6 of the London Plan, Policies DM1 and DM26 of the DMP and The London Plan Housing Supplementary Planning Guidance 2016.

Character and appearance

10. It is common ground that the proposed extensions to the building would not cause harm to the character and appearance of the area. From the submitted drawings and from what I saw when I visited the site, there is nothing that would lead me to a different conclusion. The principal concern raised by the Council is in respect of the effect that the additional refuse bins required by the proposed development would have on the appearance of the area.

11. The appeal building is part of a short terrace of two storey traditionally built houses. The surrounding area is mixed in character with offices, a community centre, mosque and industrial buildings located alongside the housing and commercial properties located on Station Road to the west.
12. The front garden areas in Rosslyn Avenue and Frognaal Avenue are generally small and enclosed by a low wall or fence. I saw when I visited the site that due to the terraced format of the housing in the area, most, if not all the properties stored their refuse bins within the front garden area. Due to the small size of the gardens, the refuse bins occupy a significant proportion of the dwelling frontage and that refuse bins are not contained within any form of enclosed bin store. It was also evident from the number of refuse bins at some premises that there are a number of properties that have been converted into flats.
13. The submitted drawings do not show any arrangements for the storage of refuse bins, although from my site visit I am satisfied that the required six, standard sized, wheeled bins could be accommodated within the site. Whilst the proposal would increase the number of bins stored at the frontage of the property over those required by a single dwelling house, this would not be inconsistent with other residential properties in the area. A properly designed and enclosed bin store as proposed by the appellant would minimise any slight additional visual effects of the increased number of bins associated with the property. This could be secured by a planning condition.
14. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would comply with the relevant requirements of Policies DM1 and DM45 of the DMP, which seek to ensure that new development is of a high standard of design that has regard to the context provided by neighbouring buildings, and that on site provision is made for refuse storage, which is located and screened to avoid nuisance to occupiers and adverse visual impact.

Conditions

15. I have had regard to the list of conditions that have been suggested by the Council. In order to provide certainty as to what has been granted planning permission, I have attached a condition specifying the approved drawings. It is also necessary in the interests of the appearance of the building and surrounding area to attach a condition that requires that the proposed extensions to the building are constructed in matching materials. As full details of the arrangements for refuse bin and cycle storage are not shown on the submitted drawings, in order to comply with the requirements of DMP Policy DM45 and London Plan Policy 6.9, it is necessary to attach a condition requiring details of these to be submitted for approval and for the facilities to be provided prior to the new flats being occupied. No details of the drainage arrangements for the new flat have been provided, therefore, in order to ensure that the provision of an additional dwelling does not add to the risk of flooding it is necessary to require that these be submitted for approval. The proposal is for the conversion of an existing building and so it is necessary that this be a pre-commencement condition.
16. The Council have suggested a condition that would prevent the flat roof of the approved extension from being used as a roof terrace, however, as the construction or provision of a verandah, balcony or raised platform is not

permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, this condition is not necessary. The Council have also suggested a condition removing permitted development rights to insert windows in the side elevations of the development. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. From the evidence before me there is nothing that would indicate that exceptional circumstances exist in this case and, consequently, I do not consider that this condition is necessary.

Conclusion

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

John Dowsett

INSPECTOR

Schedule of 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: 1:1250 Location Plan; Drawing Number 230-EX-01c (Existing Layout); and Drawing Number 230-PROP-01G (Proposed Layout).
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) The development hereby permitted shall not be commenced until details of works for the disposal of foul water, surface water, and surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The details as approved shall thereafter be retained in that form.
- 5) The development hereby permitted shall not be occupied until a refuse layout to show provision for storage of six bins has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the refuse storage area shall be implemented as approved prior to first occupation of the flats and retained as such for the lifetime of the development. Other than on collection days, the refuse/waste bins shall at all times be stored in the approved refuse/waste storage area.
- 6) The development hereby permitted shall not be occupied until details of secured cycle storage for two bicycles have been submitted to, and approved in writing by the Local Planning Authority. Thereafter the cycle storage shall be implemented as approved prior to first occupation of the flats and retained as such for the lifetime of the development.