



Appeal Decision

Site visit made on 18 October 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 26 October 2017

Appeal Ref: APP/M5450/W/17/3179514

40 - 42 - 44 Maryatt Avenue, Rayners Lane, Harrow HA2 0ST

- 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 Sharad Agarwal against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0641/17, dated 10 February 2017, was refused by notice dated 20 April 2017.
 - The development proposed is front porches to all three properties, conversion of garages to habitable rooms and external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for front porches to all three properties, conversion of garages to habitable rooms and external alterations at 40-42-44 Maryatt Avenue, Rayners Lane, Harrow HA2 0ST in accordance with the terms of the application, Ref P/0641/17, dated 10 February 2017, 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: ID-00-01; ID-01-01; ID-02-01 and ID-02-02.
 - 3) The materials to be used in the construction of the external surfaces of the development here permitted shall match those used in the existing building.

Procedural Matters

2. I consider that the Council's description of the proposed development, as set out in their decision, more concisely describes the development proposed. I have adopted that description in my decision and I have determined the appeal accordingly.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the host building and the surrounding area;
 - Flood risk; and
 - Parking and the provision of cycle storage.

Reasons

Character and Appearance

4. The appeal site is comprised of a short terrace of three 3-storey townhouses. With an integral garage, these properties sit behind a short driveway and forecourt with externally accessed store and bin store. The flat roof over the store continues across over the front door to provide a canopy.
5. The appeal properties are part of a larger residential development fronting Rayners Lane, Sandpiper Drive and Maryatt Avenue. The appeal site is flanked on Maryatt Avenue by residential blocks of flatted development. Further townhouses, of a similar design to the appeal properties but without integral garages, front on to Rayners Lane to the north. The surrounding area is predominantly residential, with older, terraced and semi-detached dwellings located opposite the site on Maryatt Avenue and to the east of Austen Road.
6. The Council refer to a strong design rationale for the Rayners Lane regeneration area in the officer report, but have not provided any further details of that rationale, or indeed whether the Rayners Lane regeneration area is a formally designated area or just a colloquial name for the residential development within which the appeal site lies. However, I saw from my visit to the site that there are a number of design features that are replicated not just across the three appeal properties, which are broadly identical, but also on the adjoining flatted development and properties fronting Rayners Lane; the mottled buff-coloured facing bricks, the dark grey window and door frames, fascias, eaves and rainwater goods, slatted timber cladding on the stores and paved forecourt driveways being consistent features.
7. What are not typical of the surrounding development however, are white garage doors. Although the three appeal properties all have the same style of garage door I do not consider them to be typical or representative of the surrounding area. I did not see any other examples of such garage doors or integral garages within the residential development on Rayners Lane, Maryatt Avenue or Sandpiper Drive, nor are garages a particular feature of the older residential properties opposite. Moreover, in the context of the prevailing palette of materials that I saw in the adjoining development, the white garage doors are strident and incongruous features that jar with the otherwise consistent approach to design, fenestration and materials on adjacent properties.
8. In contrast, the proposed replacement windows with their dark coloured window frames would be recessive features on the front elevations of the three appeal properties. The additional areas of brickwork below, to match the surrounding brickwork, would also, in the absence of any evidence to the contrary setting out a defined design rationale, combine with the dark window frames to be a truer reflection of the established character and appearance of this residential development. Nor do I find the wider proportions of the resulting ground floor windows to be harmfully at odds with the character or appearance of adjacent properties.
9. With regard to the creation of the porches, I consider that the same principles would apply. The proposal would retain the existing slotted horizontally-hung timber cladding and dark-coloured fascia and introduce dark-coloured doorframes to match the style, palette and character of the properties' existing

fenestration. Neither this, nor the ground floor window and additional brickwork would cause harm to the character or appearance of the host properties or the Maryatt Avenue streetscene.

10. For the reasons I have set out I am satisfied that the proposal would not cause harm to the character or appearance of the host properties or the surrounding area. The replacement of the garage doors with suitably detailed windows with matching brickwork below, and the proposed porches, across all three properties would retain a visual consistency across the site in a manner that would respond positively to the prevailing form, detailing, palette, materials and character of the development within which the site sits. The proposal would therefore, accord with Core Strategy (CS) policy CS1.B and Development Management Policies Local Plan (DMP) policy DM1.

Flood Risk

11. There is disagreement between the parties over whether the appeal site lies within flood zones 3a and 3b (the Council) or flood zone 1 (the appellant). Although there appears to be agreement that the site is within an area at risk of surface water flooding the Council's second refusal reason refers instead to the site's location within the functional floodplain and there being insufficient information concerning compensation storage for the loss of land therein.
12. The proposal is however of a very limited scale, and the additional floor area created in the form of the porches would be small, both individually and cumulatively across the three dwellings. Nor would it result in the creation of additional hard-surfaced areas. The Council have not sought to subsequently challenge the appellant's assertion that the site is not within the functional floodplain. Whilst the wider area may be a risk from surface water flooding I have not been advised that it is within an area notified by the Environment Agency as having critical drainage problems. However, given the limited scale and extent of the current proposal I have not been presented with compelling evidence that would persuade me to conclude that it would exacerbate the risk of flooding within the site, or increase the risk or consequences of flooding elsewhere. The proposal would not therefore be in conflict with the aims and provisions of London Plan (LP) 5.12, CS policy CS1 or DMP policies DM9 or DM10.

Parking and cycle storage

13. The proposal would result in the loss of the integral garage space at each of the three properties. It would not however alter either the drive's width or, more importantly, its length at any of the properties. The appellant has submitted evidence to demonstrate that a variety of vehicles can be parked on the drives without causing obstruction to the pavement. I do not have the detailed dimensions of the driveway before me but I am satisfied from the evidence before me, and from my observations during my visit to the site, that the proposal would not compromise the ability to park a range of vehicles of differing sizes on the driveways without causing obstruction to the pavement.
14. The Council refer to an undersupply of parking in earlier phases of development, but I have not been provided with any compelling evidence regarding parking stress in the surrounding streets. Nor, from my observations of the site and the surrounding area, did there appear to be any particular shortage of on-street parking. The properties are described as 3 bedroomed

dwelling, for which the London Plan sets out a maximum parking standard of up to 1.5 spaces per unit. The site is not within an area identified as having a low PTAL rating¹ and the proposal would provide parking within the maximum range set out in the London Plan.

15. I am advised that cycle storage provision is currently made within the externally accessed storage area outside each of the properties' front doors. The appellant has confirmed that the existing provisions would be retained. The Council have not explained how the proposal would result in the loss of cycle storage provision or how it would compromise the Council's ability to assist a modal shift away from reliance on the private car. Rather, it seems to me that instead of resulting in a loss of such provision, the proposal would enclose and bring the externally accessed storage area into the porch area.
16. Thus, I conclude that it has not been adequately demonstrated that the proposal would result in inappropriate on-site parking provision which would prejudice highway safety or create significant on-street parking problems. Nor, that the proposal would result in the loss of cycle storage provision or otherwise act to discourage the use of cycling as an alternative to the private car. There would be no conflict with LP policy 6.13 or with DMP policy DM42.

Conditions

17. The Council have not submitted any suggested conditions in the event that the appeal should be successful. However, having regard to the Framework and Planning Practice Guidance, I have given consideration to the matter of conditions.
18. A time limit condition and a condition specifying the plans would not come as a surprise to either party and so I have imposed these conditions in the interests of providing certainty. Similarly, a materials condition is imposed, which I consider to be necessary in the interests of character and appearance.

Conclusion

19. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

¹ Generally PTALs 0 – 1 - London Plan policy 6.13 E(e) and paragraph 6.42i