
Appeal Decision

Site visit made on 19 October 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 27 October 2017

Appeal Ref: APP/M5450/W/17/3179199

215A, 217A and 219A High Road, Harrow HA3 5EE

- 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 H Farooqi against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0843/17, dated 19 February 2017, was refused by notice dated 19 May 2017.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 215A, 217A and 219A High Road, Harrow HA3 5EE in accordance with the terms of the application, Ref P/0843/17, dated 19 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: PRS.PA.2016.A101 Rev P01 and PRS.PA.2016.A102 Rev P01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

Procedural Matters

2. I have adopted an amended development description and site address in the banner heading above, based upon those set out on the initial planning application form. I have however shortened the development description to remove reference to the address of the appeal site and altered the site address to make reference to all three properties. It is usefully more concise in its amended form whilst still accurately describing the proposal and I have therefore 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; and
 - The living conditions of future occupants of the extended properties, with particular regard to the quality and quantity of internal accommodation.

Reasons

Character and Appearance

4. The appeal relates to three adjoining first floor residential units within a short two storey terraced block, the ground floor of which is occupied by commercial uses. The two storey flat-roofed block runs in a straight line, broadly north-south, stepping down the gently sloping High Road. However, at the rear the boundaries between the units are dog-legged, resulting in rear yards or, as in the case of the ground floor units below the appeal site, off-set ground floor rear extensions. The proposal seeks permission to construct a similarly off-set and dog-legged first floor rear extension to follow the existing ground floor side walls.
5. The rear of the appeal site is not widely visible from Whitefriars Drive to the south and not at all from High Road. From the former, those views that are possible are from distance and at an oblique angle above, and across, intervening ground floor extensions and a two storey unit located at the corner of High Road and Whitefriars Drive. However, as the parking courtyard at the rear of the block opens out towards the north, views of the site from elevated positions in the adjacent residential block are more clear.
6. The proposed extension would follow the alignment of the existing ground floor elements at the rears of Nos. 215 to 219. The design and appearance of the extension would also reflect that of the existing upper floor element of the appeal property in that it would be flat roofed with projecting parapet walls following those of the main roof. The dog-legged and off-set alignment of the extension would therefore, in my judgement, be entirely consistent with the prevailing form and established character of the terraced row, and the various ground floor build-outs and extensions along the rear elevation.
7. Moreover, views of the proposed extension would be limited, and intercepted by various intervening structures when viewed from ground level. More elevated vantage points within buildings to the rear would more clearly reveal the angled nature of the extension but would also allow the extension to be seen more clearly in the context of the alignment of the existing ground floor yards and extensions. Although it would result in a somewhat unusual plan-form, I am satisfied that the proposal would nonetheless respond positively to the prevailing built-form, character and appearance of the host building and the terraced block as a whole. There would be no material conflict with the aims and objectives of London Plan (LP) policies 7.4B or 7.6B, Core Strategy (CS) policy CS1.b or Development Management Policies Local Plan (DMP) policy DM1.

Living Conditions

8. The proposal would not create new or additional flats. However, the extension at the rear would be part of a wider reworking of the internal layout of the three first floor flats. At present the appellant states that the amount of internal accommodation within the flats falls below the minimum space standards set out in the '*Technical housing standards – nationally described space standard*'¹ (the Technical Standards) and LP policy 3.5 (and table 3.3 therein). The proposal would increase the floor space of the flats to between

¹ Department for Communities and Local Government

64m² and almost 69m². This, the appellant states, would be sufficient to allow the proposal to be within the minimum space standard².

9. The Council, however, consider that the proposal would create two bedroom / four person (2b4p) flats at Nos. 217a and 219a. It is not clear to me though, how the Council have reached this conclusion. The smaller bedrooms are described as falling just short of the minimum width for single bedrooms set out in the Technical Standards yet the Council nonetheless consider these to be double bedrooms (and therefore 2b/4p flats).
10. I do not have the detailed dimensions of the individual bedrooms before me, but it seems clear to me that the smaller rooms fulfil a secondary role to the larger bedrooms. As such, they would in my judgement be more appropriately considered as single bedrooms and the resulting, extended, flats as two bedroom / three person (2b/3p) flats. As a consequence, the floorspace of all three flats would exceed the minimum internal space standards set out in the London Plan and the Technical Standards and would therefore provide a more balanced form of accommodation.
11. I have not been directed to any policy or guidance which states that bathrooms should not be accessed directly from main living accommodation or how this would, in the Council's opinion, amount to an unacceptably poor layout. Nor do I consider that the dog-legged side walls at Nos. 215a or 219a would create an unacceptably awkward or poor quality living space. The proposal would instead provide extended and balanced internal accommodation with adequate outlook that would provide a satisfactory form and quality of internal living accommodation.
12. Thus, I am satisfied that the proposal would provide an adequate amount of internal living accommodation of a sufficient standard. It would accord with the aims and objectives of LP policies 3.5 and 7.6B and DMP policy DM1 which seek to ensure that dwellings meet certain minimum standards and are fit for purpose. DMP policy DM26 is also referred to in the Council's second reason for refusal, but this policy relates to the conversion of houses and other residential premises to multiple homes. Whilst I note that the Council refer to the proposal as being for HMO accommodation, I cannot identify any basis for such a statement. As such I give the provisions of DMP policy DM26 very limited weight.

Conditions

13. I have considered the Council's suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I agree that time limit, approved plans and materials conditions are necessary and should be imposed in order to provide certainty and in the interests of character and appearance.
14. The Council have suggested a condition setting out requirements for windows in the first floor flank walls of the proposed development. However, there are no such windows shown on the plans or elevations and so a condition of this nature is neither necessary nor related to the development proposed. I have not imposed the suggested condition as a consequence. The necessity of a condition regarding Part M of the Building Regulations 2015 has not been

² The minimum gross internal area is 61m² for a 2 bed / 3 person flat and 70m² for a 2 bed / 4 person flat

demonstrated and so as a consequence I have not imposed the suggested condition.

Other Matters

15. I have considered the relationship of the proposed extension with the adjacent first floor flats at Nos. 213a and 221a, and the comments of the occupier of the former. I also noted the presence of extended structures at the rear of both properties and that the Council concluded that the proposal would not cause material harm to the outlook from either flat. I have not been presented with any compelling evidence that would lead me to reach a contrary conclusion or that would weigh sufficient against the proposal to justify withholding permission.

Conclusion

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

Graeme Robbie

INSPECTOR