



Appeal Decision

Site visit made on 14 November 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 1 December 2017

Appeal Ref: APP/M5450/W/17/3181160

230 Whitchurch Lane, Edgware, Middlesex HA8 6QH

- 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 / Mrs P Ortolì against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0466/17, dated 9 January 2017, was refused by notice dated 21 March 2017.
 - The development proposed is the conversion of house to 2 self-contained flats, external alterations and conversion of garage to habitable room.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of house to 2 self-contained flats, external alterations and conversion of garage to habitable room at 230 Whitchurch Lane, Edgware, Middlesex HA8 6QH in accordance with the terms of the application, Ref P/0466/17, dated 9 January 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: SB37/1; SB37/2B and SB37/3B.
 - 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 residential units hereby permitted shall not be occupied until a suitable means of enclosure to sub-divide the rear garden area in the position shown on drawing ref SB37/2B has been erected. Details of the type and height of the proposed means of enclosure shall be submitted to and approved in writing by the local planning authority before the means of enclosure is erected and once in place shall be retained thereafter.
 - 5) The roof area of the flat roofed element above the living room of the ground floor flat hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - The character and appearance of the surrounding area; and
 - The living conditions of occupiers of the ground floor flat, with particular regard to noise and disturbance.

Reasons

Character and Appearance

3. The area on Whitchurch Lane in which the appeal site is located is a predominantly residential street, albeit at the time of my visit to the site, a busy road. Dwellings are largely semi-detached, two storey buildings set back from the pavement edge behind, variously, driveways, paved forecourts or small gardens. Driveway accesses to the dwellings are paired so as to create accesses immediately adjacent to each other for each non-attached pair of dwellings.
4. The appeal property is located at the end of a short row of semi-detached houses. Immediately to the east of the site is a landscaped entrance road leading to Barnet Football Club grounds and training facilities. The extended flank elevation of No. 230 forms a direct boundary to this area, whilst at the front, between the building and the pavement edge, a brick wall marks the eastern extent of the existing driveway and forecourt.
5. It is proposed that provision for the storage of bins would be made within a dedicated enclosure at the front of the property immediately adjacent to the brick side boundary wall. The bins would not therefore be stored either at the side or rear of the property as preferred by Development Management Plan (DMP) policy DM26. However, DMP policy DM26 does note exceptional circumstances, such as mid-terraced properties where storage of refuse bins at the side or rear may not be possible and that storage at the front may be acceptable. DMP policy DM45 acknowledges the importance of appropriate location and screening to avoid adverse visual impact.
6. The existing brick boundary wall between the front of the appeal property and the adjacent grassed area at the entrance to Barnet Football Club currently provides a significant impediment to views along and across the front gardens of the appeal site and its immediate neighbours. There is no access at the side of the dwelling from front to rear and so, as with many properties along this stretch of Whitchurch Lane, refuse bins are currently stored at the front of the property.
7. However, whereas other nearby properties tend to have paired driveways around which refuse bins tended to be clustered, the appeal site's single driveway, existing side boundary wall and proposed enclosure would combine to provide adequate screening of the requisite number of refuse bins. Combined with the substantial brick wall that marks the boundary with the adjacent grassed area at the entrance to Barnet Football Club, I consider that the proposal would make adequate and planned provision for refuse bin storage. Furthermore, having regard to the Council's guidance regarding refuse bin dimensions¹ the enclosure would be of sufficient width to accommodate the required number of bins² and be of sufficient height to ensure that the bins would not project above the height of the enclosure.
8. The proposal, and particularly the proposed bin storage enclosure, would provide an effective and discrete means of storing the requisite number of bins

¹ Harrow Council Community & Environment Services: Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties – 5) Container Dimensions

² Harrow Council Community & Environment Services: Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties – 1) Wheeled Bin System and 2) Volumes to be provided

without, I conclude, harm to the character or appearance of the host property or the surrounding area. Thus, I am satisfied that the proposal would not result in visual clutter that would be harmful to the character or appearance of the host property or the surrounding area.

9. On this point, I conclude that the proposal would not be in conflict with DMP policy DM45. Nor, I conclude, would it be contrary to DMP policy DM26. Whilst criterion C of DMP policy DM26 states that provision for bin storage must be made as part of the sub-division of rear gardens to form private amenity spaces for future occupiers, it also states that where such provision cannot be achieved, adequate space on the forecourt together with screening will provide an alternative. I am satisfied that the proposal would make such provision and that it would not, as a consequence, give rise to visual clutter or otherwise cause harm to the character and appearance of the streetscene. There would therefore also be no conflict with London Plan (LP) policies 6.13, 7.4B and 7.6b, or with DMP policy DM1. DMP policy DM23 is referred to in the first reason for refusal but has not been referred to in the officer report and I have not been provided with a copy of its provisions and so I afford it limited weight.

Living Conditions

10. At the time of my visit to the site, I saw that Whitchurch Lane was a busy road with a constant flow of traffic, whilst the proposed development would result in the creation of an additional residential flat. Whilst it may be the Council's approach to insist upon up to three refuse bins per residential conversion, the scale and extent of the proposal is limited. It is not unreasonable therefore to conclude that the use of the refuse bins would be correspondingly limited. In the context of a busy suburban street I do not consider that the flow of occupiers to and from the bins would give rise to an unacceptable degree of noise or disturbance to the occupier of the ground floor flat, notwithstanding the relative proximity of the bin storage area to the window of bedroom 2.
11. With regard to outlook from that window, I am satisfied that the walls of the enclosure would be sufficiently high so as to be higher than the height of the bins¹ but not so high as to be an overbearing or obstructive feature. I am also satisfied that there would be sufficient distance between it and the front facing ground floor window to bedroom 2, with sufficient outlook across the front garden, so as not to cause harm to the amenities enjoyed by occupiers of the ground floor flat. There would be no conflict with LP policies 3.5C or 7.6B, or with DMP policies DM1 or DM26.

Other Matters

12. The Council expressed concern in their officer report that it had not been demonstrated that the proposed refuse bin and cycle storage area would be of sufficient size to adequately store the bins and provide cycle parking. However, this concern has not been translated into a refusal reason and nor have I have been presented with compelling evidence that would enable me to conclude that this space is not sufficient for the stated purpose.

Conditions

13. The Council have not submitted suggested planning conditions, but I have noted the content of the submitted officer report which considers the use of conditions had the Council considered the proposal to be acceptable and in

accordance with the development plan. I have therefore considered these matters in light of the Framework and Planning Practice Guidance.

14. I agree that a condition regarding the final details of the means of enclosure and sub-division of the rear garden is necessary in the interests of the living conditions of occupiers of the ground floor flat. So too details of cycle storage in the interests of encouraging access by means other than private car. As there is an area of flat roof directly outside the proposed living room area of the upper floor flat, I consider that a condition prohibiting the use of that area as an outside amenity area is necessary in the interests of the living conditions of occupiers of neighbouring properties. In addition to those matters discussed in the Council's officer report, conditions relating to a time limit, approved plans and materials are necessary in order to provide certainty and in the interests of character and appearance, respectively.
15. There are already windows on the flank elevation of No. 230 and, given that they overlook a landscaped area and access road to the neighbouring football club grounds, a condition to restrict additional windows on this flank elevation would not be necessary. I have not therefore imposed a condition to this effect.

Conclusion

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

Graeme Robbie

INSPECTOR