

Appeal Decision

Site visit made on 2 July 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/M5450/W/19/3228119
56 Windsor Road, Harrow HA3 5PY

- 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 T. Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/0409/19, dated 29 January 2019, was refused by notice dated 17 April 2019.
 - The development proposed is side and rear single/two storey extensions to existing property, front access ramp and conversion into two flats with associated bins, parking and cycles. Demolition of existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Within the information before me, references have been made to the draft London Plan (2017). Whilst I have had regard to these, their weight in my decision has been limited on account of the findings of the Examination in Public being awaited.
3. The appellant has submitted the initial plans on which they have based their Statement of Case. However, appended to their statement are plans showing alternative layouts for the development. It is suggested that, if I find the initial plans unacceptable, I could impose a condition that would require the development to be carried out in accordance with one of the alternative schemes. I am uncertain as to the status of the alternative proposals, or whether they have been the subject of public consultation. Therefore, I have based my decision on the initial drawings.

Main Issues

4. The main issues are:
 - whether satisfactory living conditions would be provided for all future occupiers of the development; and
 - the effect on the character and appearance of the area, with reference to the front forecourt.

Reasons

Living conditions

5. The appeal site consists of a semi-detached two storey house located in a predominantly residential area. The dwelling is set back from the front boundary and there is a front garden and driveway. The surrounding area is characterised by dwellings of a similar type and scale. There are also several side extensions in the surrounding area and some dwellings have been converted to flats.
6. The resultant gap between the northern elevation of the extension and the site's boundary would be narrow and difficult to use. Consequently, any garden waste and equipment, or other items to be used at the rear of the property, would need to be transported through the main living areas of the ground floor flat. This would not be conducive to a satisfactory living environment, because the rooms would be furnished and include other day to day items. There is also the potential for rubbish to be dropped and potential conflict with the activities of other residents.
7. I have considered the appellant's suggestion that changes in technology and modern living patterns may result in untraditional room layouts, however this would not overcome the potential inconvenience and conflict with other activities that may be taking place within the dwelling.
8. As it is likely that the two flats would form separate households, it may not be possible for residents to coordinate access to the front courtyard's refuse storage, cycle stands and car parking. These are arranged in proximity to each other. Therefore, should one of these facilities be used by the residents of one flat, it is likely to impede access to another facility. Whilst this effect may be temporary, it would cause inconvenience that may limit the use of these, which would not be in the interests of sustainable development.
9. In addition, refuse storage would be close to a ground floor window, that would serve a habitable room. This prevents satisfactory living conditions from being secured owing to the potential for unpleasant odours, in addition to noise associated with its use.
10. I have given regard to the appellant's suggestion that a condition could be imposed that would secure a revised layout for these facilities. However, I am conscious that any alternative may significantly change the impacts on neighbouring properties and that this would not have been the subject of public consultation. Therefore, I do not believe that this suggestion would overcome my concerns regarding the layout.
11. For the preceding reasons, I conclude that the development would fail to provide satisfactory living conditions for the future occupiers of the development. The development therefore fails to comply with policies 3.5C, 6.9, 6.13, 7.4B and 7.6B of the London Plan (2016) (the London Plan); policy CS1B of the Harrow Core Strategy (2012) (the Core Strategy); policies DM1, DM26A(f) and C, and DM45 of the Harrow Development Management Policies (2013) (DM Policies); and the Residential Design Guide Supplementary Planning Document (2010) (the SPD).

12. These policies, amongst other matters, seek to ensure that new developments are accessible and functional; enable people to be comfortable in their surroundings; are of the highest quality design; include adequate refuse storage that does not harm living conditions; include a minimum level of convenient cycle storage; and provide suitable parking areas.

Character and appearance

13. The prevailing character of the area is of dwellings with front gardens. A significant number of properties feature an element of refuse storage within these, although most bins are uncovered. In addition, several nearby properties feature areas of hardstanding, which are used as driveways.
14. I have had regard to the SPD which directs, where possible, refuse storage to be located to the rear of the property. Owing to the lack of ready access to the rear garden from the first floor flat, it would not be possible to locate refuse storage for both flats to the rear of the property. I do not believe that the modest increase in refuse storage at the front to accommodate the ground floor flat would emanate in significant harm to the area's character.
15. I appreciate that the hardstanding and refuse storage would be new additions at the front of the property, however, many of the surrounding dwellings already include such facilities. The proposed refuse storage and parking would not appear unduly incongruous given this context. Although external cycle storage is not apparent in the vicinity, its relatively small scale would not cause harm to the area's character.
16. Whilst I have disagreed with the views reached by the Council in this instance, it does not offset the harm I have identified in relation to the first main issue.
17. I therefore conclude that the development would not adversely affect the character and appearance of the surrounding area. As a result, the development, in this regard, complies with policy 7.4B and 7.6B of the London Plan; policy CS1 of the Core Strategy; policies DM1 and DM26 of the DM Policies; and the SPD which, amongst other requirements, seek to ensure that proposals have regard to, and complement, the pattern of development in the surrounding area and its context.

Other Matters

18. The development would provide an additional dwelling, which is of some benefit in increasing housing supply, however, this benefit is relatively small and does not outweigh the harm in relation to the first main issue in this case.
19. I have been provided with summaries of appeal decisions, where a main issue has been the amount of garden space. I do not have full information regarding these appeals, however, garden provision does not form part of the Council's reasons for the refusal of planning permission, and I have no reason to disagree with this.
20. I acknowledge the efforts made by the appellant to provide a sustainable development and to ensure that it is adaptable to meet potential changes in the needs of the future occupiers. I also acknowledge that there would not

be an adverse impact upon the living conditions of neighbouring properties. However, these are only some of the matters that must be considered in assessing the development. Therefore, this does not mitigate the previously identified policy breaches.

21. I have also noted concerns raised by the appellant regarding the approach taken by the Council in determining the planning application. However, in considering this appeal, I have limited my assessment to the planning matters before me and have determined this appeal on its own merits.

Conclusion

22. I have found that the proposal would not cause harm to the character and appearance of the area. However, this does not outweigh the harm arising from the lack of satisfactory living conditions for the future occupiers of the development. Accordingly, and for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR