
Appeal Decision

Site visit made on 22 July 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2019

Appeal Ref: APP/M5450/W/18/3217329

51 Taunton Way, Stanmore, HA7 1DJ

- 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 Sandeep Dubey against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/2991/18 dated 5 July 2018, was refused by notice dated 24 September 2018.
 - The development proposed is described as 'retention of conversion of single dwelling to two self-contained units with associated internal alterations'.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of a single dwelling to two self-contained units with associated internal alterations at 51 Taunton Way, Stanmore, HA7 1DJ in accordance with the terms of the application Ref: P/2991/18 dated 5 July 2018, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: SD1812(P)01-C, SD1812(P)02, SD1812(P)03-A, SD1812(P)05-B, SD1812(P)06, SD1812(P)07.
 - 3) The landscaping, bin storage, car and cycle parking shall be provided in accordance with the approved drawing: SD1812(P)03-A and retained as such thereafter.
 - 4) The rear studio flat shall not be occupied until a) the lock for the front gate; and b) the security lighting to the side access; have been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. These security features shall be retained as such thereafter.

Application for costs

2. An application for costs was made by Mr Sandeep Dubey against the Council of the London Borough of Harrow. This application is the subject of a separate Decision.

Procedural Matter

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application but omitted the word 'retention' in my formal decision as that is not a description of development.
4. The application form, appeal form and Council's decision notice all indicate that the conversion has already been carried out. I observed that the building was arranged as two separate units partially but not in accordance with the 'Proposed' plans. Permission is sought to provide a rear ground floor studio flat and a one-bedroom unit over both the ground and first floors in accordance with the proposed plans. Notwithstanding the conversion observed on site, I have considered the appeal according to the submitted plans labelled 'Proposed', which show an unimplemented conversion.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of future occupants of the rear ground floor residential unit, with particular regard to personal safety.

Reasons

6. The proposed development would subdivide the existing semi-detached property at Number 51 Taunton Way (No. 51) to create a studio flat within the rear part of the building facing the rear garden. The studio flat would be accessed from a new door within the flank wall, accessed via a gated side passageway shared with the proposed first floor flat providing access to its rear garden.
7. The front door being accessed via a gated side passage would not provide the equivalent level of natural surveillance to entering a property directly from the street. However, the gate to the side access is clearly visible from the street given the open character of the front driveway. It therefore benefits from a similar amount of natural surveillance as the existing front door to the house. The gate is currently locked with a padlock which prevents people gaining access to the rear and would therefore restrict access to the proposed front door to the studio flat. However, the use of a padlock is a cumbersome and inappropriate way of gaining access to a dwelling which could be more vulnerable to break in, therefore increasing opportunity for crime. As such a condition requiring the installation of a more appropriate lock to this gate would be necessary and reasonable.
8. The side passageway runs between Number 53 Taunton Way (No. 53), a residential property, and the appeal building. The door would face towards the boundary wall of No. 53. Due to the position of the door rearwards of the main rear elevation of the property, there would be some overlooking and natural surveillance of the proposed front door from the first floor windows in the rear and side elevations of both Nos. 51 and 53. However, since this door is to the side of the property and behind the gate, it would not benefit from the same

degree of natural surveillance and illumination as a door accessed directly from the street where there is street lighting. During winter months and at night time, this area would not be well lit which could give rise to a greater risk or fear of crime. However, I am satisfied that this could be adequately addressed through the installation of an appropriate security light which could be secured through a condition. With security features installed, the proposed door to the flat would be secure and would overcome the concerns raised by the Secure by Design Officer.

9. In conclusion, the proposed development would not harm the living conditions of future occupants of the rear ground floor residential unit, with particular regard to personal safety. It would therefore comply with Policy 7.3 of the London Plan 2016¹ and Policy DM2 of the Harrow Development Management Policies Local Plan 2013. These policies, together, amongst other things, seek development that is safe and secure and that reduces the opportunities for criminal behaviour.

Conditions

10. The Council has not proposed any conditions should the appeal be allowed. I have considered the imposition of conditions against advice in Paragraph 55 of the National Planning Policy Framework and the Planning Practice Guidance. As referred to previously, I have imposed a condition requiring the provision of security features. These were suggestions by the appellant and necessary in the interests of the security of the development.
11. I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This includes the provision of landscaping, bin storage, cycle and car parking. This is in the interests of certainty.

Conclusion

12. The appeal scheme would adhere to the development plan and there are no other considerations that outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

Rachael Pipkin

Inspector

¹ The Spatial Development Strategy for London consolidated with alterations since 2011