



Appeal Decision

Site visit made on 23 September 2019

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/M5450/W/19/3228346 28 Oxford Road, Harrow HA1 4JQ

- 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 Chetan Halai against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0492/19, dated 4 February 2019, was refused by notice dated 1 April 2019.
 - The development proposed is described as conversion of single dwelling unit into 3 self-contained units.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the dwelling house into three flats (1 x 2 bed and 2 x 1 bed); external alterations; refuse and cycle storage at 28 Oxford Road, Harrow HA1 4JQ in accordance with the terms of the application, Ref P/0492/19, dated 4 February 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans : 1806 PP-02C and 1806 PP0-3B.
 - 2) Prior to the first occupation of any of the approved dwelling units details of soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include planting plans, species, plant supply sizes and proposed numbers/densities where appropriate. The planting shall be carried out in the first planting season following the occupation of the development.
 - 3) Any existing or new shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local planning authority agrees any variation in writing.
 - 4) The refuse and recycling stores shall be installed as shown on the approved plans prior to the first occupation of any of the approved dwelling units and shall be retained thereafter for storage of refuse and recycling bins.
 - 5) The development hereby permitted shall be used for Class C3 dwelling houses only and not as houses in multiple occupation as may otherwise be permitted by Schedule 2, Part 3, Class L the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification).

Procedural Matters

2. The Council altered the description of the development to 'Conversion of dwelling house into three flats (1 x 2 bed and 2 x 1 bed); external alterations; refuse and cycle storage'. This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the proposals and I have therefore considered the appeal on this basis.
3. I noted on my visit to the site that the conversion works are almost complete, therefore I am considering the proposals retrospectively.

Main Issues

4. The main issues are:
 - The effect of the bin stores on the character and appearance of the host property and the surrounding area; and
 - Whether the proposed second floor dwelling unit 3 would provide acceptable living conditions for future residents in respect of the provision of internal living space.

Reasons

Character and Appearance

5. The appeal site is situated in a residential area comprising dwellings of similar design and scale to the host property. It is set back from the street behind a fence alongside the pavement and there are shrubs to the adjoining neighbours' boundaries. Other properties on the street vary considerably in their front boundary treatments and a large proportion store their refuse and recycling bins within unscreened front gardens.
6. Seven bins are required for the proposed flats; 3 for the ground floor flat (including a garden waste/compost bin), and 2 each for the upper floor flats, together with small kitchen waste caddies. It is proposed to house the bins within timber slatted stores within the front garden; 3 to the front and 4 to the side, and to screen the front boundary with instant hedging. The garden would be surfaced with block pavers.
7. The proposed timber bin stores would be of acceptable design and materials, and would appropriately screen the bins without harming the character and appearance of the host property. Planting would assist in screening the stores so they would not be unduly prominent within the street scene. The front garden would not become overly cluttered as the bins would be contained within the stores, and adequate open space would remain between them and the host property. A condition could ensure that the stores are provided prior to occupation and retained as approved.
8. The Council has doubts that the proposed planting of a screen hedge may not survive if there is a lack of space, or if it is not maintained by the future occupiers. The appellant proposes 'instant hedging', and the species and height can be agreed by condition. A condition can also ensure that if the new or existing plants die or are removed within 5 years that they are suitably replaced, which would give time for them to become established.

9. I conclude that the bin stores would not have a significant adverse effect on the character and appearance of the host property or the surrounding area. The proposals would comply with Policies 7.4 and 7.6 of the London Plan 2016 and Policy DM1 of the Harrow Council Development Management Policies Local Plan 2013 (DMPLP) which require development to respond to local character, to achieve a high standard of design and layout and to incorporate high quality materials amongst other matters. The development would also be in compliance with Policy DM26 of the DMPLP, specifically in relation to conversions of houses to multiple homes, which requires at part f) that proposals should make adequate arrangements for the storage and collection of waste and recycling material, and at part g) to ensure that the design of any external alterations does not detract from the appearance of the property or the street scene.
10. The proposals would also conform with the Council's adopted Supplementary Planning Document: Residential Design Guide 2010 (SPD) which at part 5, in relation to residential conversions, requires consideration to be given to measures to screening bins where their siting on the forecourt is unavoidable (as in the conversion of a terraced house). The policies are consistent with section 12 of the National Planning Policy Framework (the Framework) in terms of achieving well designed places.

Internal Living Space – Unit 3

11. Policy 3.5 of the London Plan part C refers to minimum space standards based on the Technical Housing Standards – nationally described space standard 2015 (the Standards). Policy DM1(g) of the DMPLP requires consideration of the adequacy of the internal layout of buildings in relation to the needs of future occupiers and any impact on neighbouring occupiers. Policy DM26 requires proposals for conversion of houses to multiple homes to: a) comply with the London Plan minimum space standards; b) wherever possible ensure that homes are dual aspect; c) achieve configurations that are practical and fit for purpose, having regard to circulation, storage space and room size and shape; and d) ensure that all habitable rooms have a satisfactory environment in terms of privacy, daylight, outlook and exposure to external noise.
12. The SPD at paragraph 5.14 notes that in larger properties the conversion of an existing attic space to self-contained living accommodation may be acceptable when adequate headroom and useable circulation space can be provided.
13. The Standards set out the internal floor space for a 1 bed space dwelling to be 37 square metres (where the one person flat has a shower room rather than a bathroom). Only the 1 bed second floor dwelling (unit 3) is cited as failing to meet the required level of floorspace. It comprises a living/sleeping/kitchenette area and a shower room within the roof space of the former single dwelling.
14. The Standards state that an area with headroom of less than 1.5 metres is not counted unless used solely for storage. Part of the unit has a reduced ceiling height within the habitable space due to it being below the eaves. The appellant submits that this area should be included in the floor space calculations to bring it to 40 square metres, as its usability is not compromised with the sleeping area being located under the roof slope area.
15. The Council's calculation of floorspace is 35.66 square metres. This falls short of the required space standard of 37 square metres by a marginal amount;

some 1.34 square metres. Paragraph 5.11 of the SPD recognises that the constraints associated with existing building layouts means that some flexibility and pragmatism will be required at the margins of each space standard.

16. On my visit to the site I observed that the vast majority of the ceilings were of an adequate height, and that the large rear window and roof lights together with the elevated position above the street gave good levels of light and the room has a dual aspect. The outlook from the windows is pleasant, with a view over rear gardens and a quiet street of similar properties. It did not feel oppressively cramped nor claustrophobic as a result of its limited size. Whilst there was no kitchenette in place at the time of my visit, if it were fitted along one wall as shown on the layout plan it would be practical and fit for purpose, with satisfactory circulation space and areas to place furniture and items necessary for day to day living.
17. If the areas of restricted ceiling height are excluded from the floorspace, it is only marginally below the required standards. I conclude that the proposed second floor dwelling at unit 3 is of sufficient quality to provide acceptable living conditions for future residents in respect of the provision of internal living space.
18. The proposals comply with policy 3.5 of the London Plan and Policies DM1 and DM26 with regard to the adequacy of the internal layout of buildings in relation to the needs of future occupiers, having a dual aspect, achieving a configuration that is practical and fit for purpose, having regard to circulation, storage space, room size and shape. There would be a satisfactory environment in terms of privacy, daylight, outlook and exposure to external noise.
19. The proposals are also in conformity with section 5 of the Council's SPD in terms of the new home being fit for purpose, and I find the development is consistent with the Framework in seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

20. My attention has been drawn to two appeal decisions¹ in the area which were dismissed on grounds relating to refuse storage, amongst other matters. I note that the circumstances of those proposals, including the scale of the host properties and level of screening, are different to the case before me. Nevertheless, I have reached my own conclusions on this appeal proposal based on the evidence before me.
21. Neighbouring occupiers have raised concerns in respect of parking problems, overdevelopment, potential noise and antisocial behaviour. The development is proposed to be car free and no objection has been raised by the Highway Authority in this respect. There is no evidence before me that an additional two residential units would result in any significant traffic or highway issues, nor unacceptable pressure on local services. The proposals include noise insulation measures which are required in order to meet the Building Regulations. There is no evidence to suggest that the conversion would result in increased anti-social behaviour in the area. In respect of replacement windows, such an alteration is not in the proposals before me.

¹ APP/M5450/A/10/2119963 12 Courtfield Crescent and APP/M5450/W/17/3173978 28 Byron Road, Harrow

Conditions

22. The Council have suggested a number of conditions and I have amended some of them so that they meet the tests in the Framework. I have included a condition specifying the approved plans for certainty.
23. I have amended the Council's landscaping condition to make it more precise and so that it requires the species and planting height of the front hedge to be agreed in order to provide adequate screening of the bin stores. I have deleted references to seeding and turfing as this is not part of the scheme. It is also necessary to specify that the shrubs should be replaced if they die, are removed or are damaged to ensure that the plants are retained to provide adequate growth and screening.
24. I have amended the Council's suggested condition relating to the bin stores, to make it more precise to ensure that the bin storage units are installed as approved and that they are retained.
25. A condition is necessary restricting permitted development rights so that the flats are retained as use class C3 dwelling houses and not changed to use class C4 (houses in multiple occupation). This is to enable the Council to fully consider the effects of use class C4 in relation to maintaining a balanced community and in the interests of residential and visual amenity.

Conclusion

26. For the reasons above I conclude that the appeal should be allowed.

S Hunt

Inspector