The Planning Inspectorate

Appeal Decision

Site visit made on 3 September 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2019

Appeal Ref: APP/M5450/W/19/3230851
9 Locket Road, Wealdstone, Harrow HA3 7LY

- 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 P Suthagar against the decision of Harrow Council.
- The application Ref P/1289/19, dated 15 March 2019, was refused by notice dated 16 May 2019.
- The development proposed is conversion of single dwelling to 3 flats (1 x 3 bed; 1 x 1 bed; 1 x studio) separate amenity space; boundary treatment; bin/cycle storage; external alterations.

Decision

1. The appeal is dismissed.

Procedural Matter

2. There is no written description of the development on the application form and therefore the description is taken from the decision notice.

Main Issues

3. The main issue is whether the proposed third floor flat (Flat 3) would provide adequate living conditions for future occupiers with particular reference to ceiling height and outlook.

Reasons

4. The appeal property is a two-storey semi-detached dwelling located in a residential area. It has a rear garden and small paved patio area to the front and is currently undergoing renovation and extension works.

5. The principle of conversion of the dwelling into flats is accepted by the Council, and no objections are raised as to the gross internal areas (GIA) of the three flats proposed. However, the matter in contention relates to the third-floor studio apartment, Flat 3. This would comprise of a bathroom to the rear within a newly constructed dormer, and a combined living/bedroom/kitchen.

6. The National Described Space Standards (NDSS) requires a minimum floor to ceiling height of 2.3m for at least 75% of the GIA of new dwellings. The appellant argues that 31.79sqm (75%) of the floor area of Flat 3 would have a ceiling height of 2.3m and has provided calculations in this regard. However,

the Council estimates that a ceiling height of 2.3m is achieved for only 72% of the dwelling.

7. Notwithstanding this disagreement between the parties, it seems to me that the proposal is at, or close to the requirement for ceiling heights set out in the NDSS. However, Part C of Policy 3.5 of the London Plan requires new homes to provide adequately sized rooms which are fit for purpose and in particular, Standard 31 of the Mayor of London Housing Supplementary Planning Guidance (SPG) strongly encourages a minimum ceiling height of 2.5m for at least 75% of the GIA.

8. The supporting text at paragraph 2.3.44 explains that ceiling heights are an important element in the design of a dwelling in the unique circumstances of London. They can help to offset issues associated with its distinct higher densities and effects of climate change by positively impacting on how spacious, light and comfortable a dwelling is. Policy DM 26 of Harrow Council's Development Management Policies Local Plan July 2013 (DMPLP) requires compliance with the London Plan minimum space standards.

9. The Council estimates that only approximately 51% of the dwelling would have a ceiling height of over 2.5m. Although the appellant has illustrated on his plans the floor area of both the bathroom and the living/sleeping area and the heights of those spaces, he does not dispute the Council's estimations, and has provided no alternative information or calculations relating to the % of the dwelling that would achieve a minimum ceiling height of 2.5m.

10. I am therefore of the view that based on the evidence before me, the proposal would not provide a minimum ceiling height of 2.5m for at least 75% of the GIA in Flat 3. As a result, it would fail to meet these important local London and borough wide policy requirements. Thus, due to the unduly low ceiling height, the future occupiers of Flat 3 would experience a very confined space that would be likely to feel cramped and somewhat claustrophobic.

11. Turning to the matter of outlook, whilst the Council raises no objections in terms of daylight and sunlight, it is concerned about a lack of outlook from the living/sleeping area in particular. There would be roof lights within the roof slopes that would provide views of the sky and a high-level window to the bathroom. However, the only window to the living/sleeping area with any views out of the flat that would provide a sense of the site's surroundings, would be from the small rear window above the kitchen sink. Due to its location in the attic space of this two-storey dwelling, this window is positioned at very high level, and any occupant would need to stand very close to the window and up against the kitchen sink to view the garden below, or to get any feeling of the property's context. Furthermore, views from this window would be partially obscured by the existing rear dormer which is sited very close to it and extends well back from it. This dormer serves a bathroom and its window is also at high level and located in a separate room from the living/bedroom/kitchen area.

12. In light of all these factors, the future occupants of Flat 3 would have an unduly constrained and restricted outlook. This would mean that they would experience an oppressive sense of enclosure when occupying the flat and would feel unduly confined there.

13. In conclusion, bringing these matters together, I consider that the proposed third floor flat (Flat 3) would fail to provide adequate living conditions for future

occupiers with particular reference to ceiling height and outlook. The proposal would therefore be contrary to DMPLP Policies DM 1 and DM 26 that requires new development to achieve acceptable standards of amenity for occupiers, amongst other matters, in terms of adequacy of the internal layout in relation to the needs of future occupiers. This requirement is also echoed within Harrow Council's Supplementary Planning Document (SPD) Residential Design Guide 2010 in respect of residential conversions that states that the use of attic spaces with are solely accommodated in the roofspace rarely provide sufficient circulation space, light and outlook for its occupiers.

14. In addition, I consider the proposal would also be in conflict with the aspirations of Policies 3.5 and 7.6B of the London Plan for new housing to be of the highest quality which are adequately sized and fit for purpose, and attractive as a place to live. Furthermore, the proposal would be contrary to paragraph 127f of the National Planning Policy Framework (the *Framework*) to create places which promote health and well-being together with a high standard of amenity for future users.

Other Matters

15. The appellant has brought to my attention a neighbouring scheme at 3 Locket Road concerning a residential conversion to four flats over three floors. The appellant specifically refers to the internal arrangements and windows at studio flat C as this scheme was found to be acceptable to the Council. However, I do not draw a direct parallel with the neighbouring scheme and this appeal proposal. Flat C is illustrated as 40sqm in size and is therefore a slightly larger flat with a more regularly shaped floor area than the proposed Flat 3 with no sloping roofs within, and more windows serving the circulation space. In any event, I am not aware of the full circumstances that led to that permission and so I cannot be sure that they are the same as in the case before me. I confirm that I have considered the appeal proposal on its own planning merits and made my own assessment as to its potential impacts.

16. I appreciate that the proposal follows the Council's refusal of a previous planning application for a similar scheme, and is intended to address those reasons for refusal (without extending the property further) and to respond to the Council's pre-application advice. The Framework encourages decision making in a positive and creative way and expects Council's to work proactively with applicants. Nevertheless, for the reasons set out, despite this background, I have found that the proposal would be harmful, and these matters do not alter my view.

17. The Council raises no objections to the proposal in terms of its impact on the living conditions of neighbouring occupants, or the character and appearance of the area or the host building. It also accepts that the site is within a sustainable location with good access to transport links, local amenities and services. The absence of harm in these regards counts neither for, nor against the proposal.

18. The appellant indicates that the appeal site has been in a dilapidated state for some time and will continue to worsen. However, I see no reason why the property's condition or appearance could not be addressed in the absence of the appeal scheme or via an alternative scheme that would provide adequate living conditions. Accordingly, this matter adds no weight in favour of the proposal.

19. Whilst the proposal's role in boosting housing land supply counts in its favour, its contribution in this regard would not be great given the relatively modest scale of the scheme for only 3 flats. Thus, I confirm that this benefit of the proposal is insufficient to outweigh the harm I have identified in relation to the main issue.

Conclusion

20. Taking all other matters into account, for the reasons given above, the appeal is dismissed.

Alison Scott

INSPECTOR