



Appeal Decision

Site visit made on 7 October 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 21 November 2019

Appeal Ref: APP/M5450/W/19/3233386

416 Eastcote Lane, South Harrow, Harrow HA2 9AL

- 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 Choudhury against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1632/19, dated 4 April 2019, was refused by notice dated 11 June 2019.
 - The development proposed is for conversion of dwelling into two flats (1 X 2 Bed and 1 X 1 Bed); Bin and cycle stores.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of dwelling into two flats (1 X 2 Bed and 1 X 1 Bed); Bin and cycle stores at 416 Eastcote Lane, South Harrow, Harrow HA2 9AL in accordance with the terms of the application, Ref P/1632/19, dated 4 April 2019, and the plans submitted with it, 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: Site Location Plan; Block Plan; 416EastecoteL/2019/02 Rev B; 416EastecoteL/2019/03.
 - 3) The refuse and recycling bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.

Application for costs

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

Procedural Matter

3. Within the information before me, references have been made to the draft London Plan (2017). Whilst I have had regard to the policies within this emerging plan, their weight in my decision has been limited on account of the Panel report recommendations.

Main Issue

4. The main issue is whether the proposed development would provide satisfactory living conditions for future occupiers of the flats with particular regard to layout and internal space.

Reasons

5. The appeal site consists of a two-storey mid terraced dwelling with a front driveway and rear enclosed garden area and is situated within a predominantly residential area. The proposal would convert the existing single dwelling house into two flats located on the ground floor and first floor of the property.
6. The Technical housing standards - nationally described space standard (THS) is applied through Policy 3.5 of the 2016 London Plan¹. The THS also sets out how the space standards should be applied and reflected in the gross internal area (GIA), allowing for different combinations². The first-floor flat is shown on the plans as a 1 bed (b)/ 1 person (p) and is not considered to be a studio flat as the internal walls separate each of the rooms. The plans show that the flat would have a GIA of 38 square metres. It would therefore exceed the requirements as set out in the THS for a 1b/1p dwelling that includes a shower room.
7. The Council calculate the size of the bedroom as being 11.3 square metres, which would considerably exceed the size requirement for a single bedroom but would fall marginally outside the size required for a double or twin room bedroom.
8. The Council has assessed the application on the basis that the flat would be capable of being occupied by two persons and that it would not meet the space standards for a 1b/2p, flat. Whilst this may be the case, this is not the proposal before me. The THS³ advises that bedspaces is a means for assessment purposes and it does not imply actual occupancy. I therefore give the Council's assertion that the flat would be occupied by more than one person very little weight.
9. Taking the above into account, the first floor flat would be of a sufficient size to provide adequate living conditions for any future resident in respect of internal living space.
10. Turning to the ground floor flat, this is identified as a 2b/3p with a GIA of 60.4 square metres. This results in a shortfall from the recommended space standards as set out in THS. However, the Council consider that the layout as submitted on the plans is reasonable and that the shortfall is overcome by this and the provision of outdoor amenity space at the rear of the ground floor. I have no reason to disagree with this assessment.
11. I conclude that the proposed development would provide adequate living conditions for future occupiers of the first-floor flat with particular regard to layout and internal space. It would therefore comply with Policies 3.5C and 7.6B of the London Plan 2016, Policies DM1 and DM26 of the Harrow Council Development Management Policies 2013, as well as guidance in the Harrow

¹ The London Plan: The Spatial Development Strategy for London, consolidated with alterations since 2011 (2016)

² Paragraph 5: Technical housing standards – nationally described space standard

³ Paragraph 6: Technical housing standards – nationally described space standard

Residential Design Guide Supplementary Planning Document 2010. Taken together these policies and guidance seek to ensure that housing developments provide satisfactory living space for future occupiers.

Conditions

12. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
13. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area and highway safety, a condition relating to refuse storage is necessary.
14. The Council has also suggested conditions in respect of landscaping and the restriction of permitted development rights. Given the scale and nature of the development I consider that new landscaping is not necessary. In regard to restricting the use of the development and permitted development rights there is no clear justification to do so and it would not pass the test for necessity.

Conclusion

15. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

K A Taylor

INSPECTOR