

Appeal Decision

Site visit made on 29 October 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2019

Appeal Ref: APP/M5450/W/19/3234196

Devonshire Court, Devonshire Road, Hatch End HA5 4NE

- 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 Jamie Milne of Regis Group Plc against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3949/18, dated 3 September 2018, was refused by notice dated 20 March 2019.
 - The development proposed is described as: 'Loft conversion with front and rear dormers and create 2no new dwellings'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised plan/documents have been submitted with the appeal after the decision by the Council was made. Whilst not benefitting from a full consultation exercise undertaken by the Council, I have taken these into consideration in the determination of this appeal, as the revised plans/documents do not differ significantly from the refused scheme. The Council and third parties have had the opportunity to comment on these documents and will therefore not be prejudiced if I take them into consideration in the determination of this appeal. I have dealt with the appeal on this basis.

Main Issues

3. The main issues of this appeal are:
 - The effect of the proposed development on the character and appearance of the appeal site and surrounding area;
 - the effect of the proposed development on the living conditions of future occupiers, with particular regard to internal floor to ceiling heights; and,
 - the effect of the proposed development on flood risk, with particular regard to the demonstration of a safe route away from the source of flooding.

Reasons

Character and appearance

4. The properties located on Devonshire Road in the vicinity of the appeal site are 2-storey dwellings and 3-storey apartment blocks. The host property is a

3-storey apartment block, with a tiled hipped roof, with a centrally located front facing gable feature, flanked either side by forward facing projections in the building line with individual hipped roofs above, returning into the main roof. The host property is constructed in brick with a section of render located at second floor on the front elevation.

5. None of the properties on Devonshire Road have any front dormer extensions. As a result, the relatively plain flat roofs and roof slopes form a strong and positive characteristic in the street scene. I consider the proposed dormers through their size, design and location on the front facing roof slope would result in an incongruous addition that would dominate the roof, fundamentally altering its shape. The resulting significant adverse effect on the character and appearance of the host property would be readily visible in the street scene to the detriment of character and appearance of the surrounding area.
6. Whilst the proposed rear dormer would not be clearly visible from the street, I find that given its design, significant size and location on the rear roof slope, it would form a striking and discordant addition to the host property. In the case of all of the dormer windows proposed on both the front and rear roof slopes of the host property, I find that the proposed materials for construction, especially the use of render on the external surfaces would do little to alter the adverse visual effects of the proposed dormers on the host property and surrounding area.
7. For all of these reasons, I therefore conclude that the proposed front and rear dormers would unacceptably harm the character and appearance of the appeal site and the surrounding area. This would be contrary to the design and character and appearance aims of Policy CS1.B of the Harrow Core Strategy 2012 (CS), Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (LP), Policies 7.4 and 7.6 of the London Plan 2016 (LonP). Furthermore, the proposal would fail to accord with guidance contained in the Council's Supplementary Planning Document Residential Design Guide 2010 and the National Planning Policy Framework (the Framework).

Living conditions

8. In respect of the living conditions available for future occupiers, I have been referred to LonP Policy 3.5, which sets out that housing development should be of the highest quality internally and externally, and should adhere to minimum space standards to ensure that adequately sized rooms and accommodation are provided for future occupiers. In this respect, I have also been mindful of the nationally described space standard¹.
9. It is common ground between the main parties that the Gross Internal Area (GIA) of the proposed dwellings would be sufficient to meet the minimum floor space standards. It is also noted in the Officer Report future occupants would have a good outlook. However, the Council contends that due to insufficient information, particularly the absence of cross-sections, the acceptability of the proposed floor-to-ceiling heights could not be determined and therefore were unable to ascertain whether the proposed scheme was able to meet the required minimum standard for Greater London.

¹ DCLG: Technical housing standards - nationally described space standard 2015

10. In this respect, my attention is drawn to the Notes to Table 3.3 of the LonP, with specific reference to Note 3, which requires development to meet the minimum ceiling height of 2.3m for at least 75% of the GIA, as set out in the nationally described space standard. The Note continues to state that, as a consequence of the heat island effect of London and recognising the density and flatted nature of most residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged, in terms of light, ventilation and sense of space.
11. However, it is evident from the wording of the Note attached to Table 3.3 of the LonP, and as reflected by Standard 31 of the Mayor of London's Housing Supplementary Planning Guidance (SPG) 2016, the achievement of a 2.5m minimum ceiling height is set out as an aspiration rather than a requirement. On the evidence before me, there is no compelling argument put forward by the Council to seek anything other than the minimum ceiling height. I consider that a proposed residential development with minimum ceiling heights would not result in an unacceptable impact on the living conditions of future occupiers in this instance. The appellant has provided a revised drawing² that denotes the percentage of the GIA of both dwellings with a minimum ceiling height of 2.3m. This states that 87.93% in respect of the 2no. bedroom dwelling and 76.18% in respect of the one-bedroom dwelling are in excess of the 75% requirement specified in Table 3.3 of the LonP.
12. As a consequence, I am satisfied that the proposed development would make adequate provision for the living conditions of future occupiers, having regard to floor to ceiling heights. I have not therefore found there to be conflict with the living condition aims of LonP Policy 3.5 and the Framework.

Flood risk

13. The appellant's environmental consultants' flood risk assessment³ (the FRA) advises that the appeal site is located within Flood Zones 2 and 3, using the Environment Agency (EA) Flood Map for Planning. Additionally, the site is also located in surface water Flood Zones 3a and 3b according to the Council's mapping system. The Council do not dispute the findings contained in the FRA, although its Drainage Department advise that a plan should be submitted indicating a safe route (SR) for future occupants and users away from the source of flooding. Due to the lack of an SR plan being submitted with the application, the Council considered that insufficient information had been provided on this matter.
14. I find that the additional information from the appellant's environmental consultant, in support of their submission, successfully compliments the FRA and identifies and demonstrates provision of a safe route into and out of the site to an appropriate safe haven. During my visit, I travelled along the proposed SR and found myself at Grimsdyke School as the safe haven. In any event, I find that had the scheme been acceptable with regard to all the other main issues, I would have not likely dismissed this appeal on this issue alone, as I consider that the submission of an SR could have easily been dealt with by means of a suitably worded condition.

² 1-100C

³ Ambiantal Environmental Assessment, Phase 1 Flood Risk Assessment dated 9 January 2019

15. As a consequence, I am satisfied that the proposed development would make adequate provision with regards to managing flood risk and an SR for future occupiers ensuring a dry means of escape. I have not therefore found there to be conflict with the environmental aims of CS Policy CS1.U, LP Policy DM9 and the Framework.

Other Matters

16. I acknowledge that the development would bring some social and economic benefits to the area through the creation of 2no. additional dwellings in an accessible location and during the construction phase of the development. However, these are minor factors in favour of the development and do not outweigh the harm that I have identified. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance and Conclusion

17. I have concluded that the proposed development would not result in an adverse impact on the living conditions of the occupiers of the proposed dwellings, or in respect of flood risk. However, I have found that the proposed development would result in an adverse impact on the character and appearance of the appeal site and surrounding area, as a consequence of its detailed design, and would not therefore accord with the Development Plan as a whole.
18. For the reasons given above, the appeal should be dismissed.

W Johnson

INSPECTOR