
Appeal Decision

Site visit made on 24 September 2019

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2019

Appeal Ref: APP/M5450/W/19/3233795

261 & 261A Burnt Oak Broadway, Edgware, HA8 5ED

- 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 Sala Properties Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/1702/19, dated 2 May 2019, was refused by notice dated 27 June 2019.
 - The development proposed is described as "(1) Retain Existing Ground Floor Shop (no design change) (2) Retain existing first floor flat (minor design changes) (3) New one bed 2nd floor flat with design changes - no dormer, no rear balcony, higher roof to accommodate more space (4) Revised drawings to include a) refuse & cycle store, acoustic floor, wall insulation".
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Decision

1. The appeal is dismissed.

Procedural matters

2. The declaration on the planning application form was not signed or dated, however, the Council accepted the planning application as valid and have determined it. The ownership section of the planning application form is dated 2 May 2019 and the appellant has also stated on the appeal form that the application was made on 2 May 2019. I have, therefore, taken that as the date of the application.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would provide suitable living conditions for the future occupiers, with particular regard to internal living space;
 - Whether the proposed development would make suitable provision for storage of refuse bins and cycles; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions of the future occupiers

4. Policy 3.5 of the London Plan 2016 (the London Plan) sets minimum gross internal areas for new dwellings and reflects the minimum requirements set out in the Technical housing standards – nationally described space standard (the Standard). London Plan Policy 7.6 seeks to ensure that new development provides high quality indoor spaces. Policy DM26 of the Harrow Development Management Policies 2013 (DMP) expects new development to provide a satisfactory standard of accommodation and comply with the London Plan minimum space standards. The requirements for adequate and useable internal space are echoed in the Harrow Residential Design Guide Supplementary Planning Document 2010 (the SPD) and the Mayor of London's Housing Supplementary Planning Guidance 2016 (the SPG).
5. The appeal proposal would retain the existing one bedroom flat on the first floor, although this would be reconfigured internally, and create an additional one bedroom flat on the proposed new second floor. London Plan Policy 3.5 requires that a one bedroom, one person (1b1p), flat provides a minimum gross internal area of 39m² and a 1 bedroom, 2 person (1b2p), flat a minimum of 50m². A minimum of 1m² built in storage must also be provided within this gross internal area.
6. There is some disagreement between the parties over which minimum requirement should be applied. The Council assessed the proposal based on the existing reconfigured flat and the proposed new flat each being occupied by two persons. The number of future occupants is not stated in the application or the supporting information and no floor areas or dimensions are shown on the submitted drawings. The appellant argues that as the floor area of the bedrooms exceeds the minimum requirement set out in the Standard for a 1b1p flat but falls short of the minimum requirement for a 1b2p flat, then the proposed flats are intended for single person occupancy. Whilst it is not set out in either the Standard or the Planning Practice Guidance, a logical reading of the Standard is that the size of the bedroom determines how occupancy is defined. A bedroom exceeding 11.5m² would always be counted as a double bedroom and a bedroom between 7.5m² and 11.5m² would always be single bedroom. On this basis the existing reconfigured flat and the proposed new flat would be 1b1p flats.
7. There is also disagreement over the gross internal areas of the two resulting flats with the council stating 39.94m² for the first floor flat and 34.94m² for the second floor. The appellant claims 47.25m² gross internal area for both. The submitted drawings clearly state, and show, that the floor area of both flats is the same, in which case one of the figures quoted by the Council must be incorrect.
8. In the absence of any verified dimensions on the drawings, the only evidence relating to floor area is that submitted by a third party who has provided a summary of the rateable value of the ground floor office within the appeal building obtained from the Government's Tax Service website. This indicates that the ground floor has an area of 43.95m² for rating purposes. However, this figure includes 7.12m² for a storage area that is outwith the main building envelope, leaving a ground floor area of 36.83m². Even if this excludes the area occupied by the stairs to the current upper flat, it casts significant doubt on both

the appellant's assertion that the two upper floor flats would each have a gross internal area of 47.25m², and the Council's floorspace figure of 39.94m².

9. The submitted drawings show each flat having a bathroom containing a bath, as opposed to a shower room, and therefore each would be required to provide a minimum gross internal area of 39m². There is no compelling evidence before me that demonstrates that this is the case. The standard also requires that a minimum of 1m² built in storage be provided for each flat. Whilst built in wardrobes are being provided to each bedroom and any area of these in excess of 0.36m² would count towards the internal storage requirement, these are not dimensioned on the submitted drawings and so I cannot be certain that the minimum requirement for built in storage is being met. Based on the evidence before me, I am not satisfied that the internal living space requirements of London Plan Policy 3.5, DMP Policy DM1 and the Standard would be met by the proposed development.
10. The Council have also questioned whether the minimum headroom requirements of the Standard have been met. The proposed elevation drawings submitted with the application are annotated with 2300mm room height. This is the minimum required by the Standard. Although a detailed cross section has not been provided, no compelling reasons have been put to me that would demonstrate that this is not achievable. This does not, however, overcome the fact that the proposal would not provide adequate internal floorspace.
11. I therefore conclude that the proposed development would not provide suitable living conditions for the future occupiers. It would not comply with the relevant requirements of Policies 3.5 and 7.6 of the London Plan, DMP Policy DM26 or the guidance in the SPD and SPG.

Refuse/cycle storage

12. DMP Policy DM45 requires the provision of satisfactory storage space for general waste, recyclable materials and organic waste, and that this is to be located so as to avoid nuisance to occupiers of the development. The SPD sets out that each dwelling in the Borough is provided with separate bins for general waste, recycling, and organic waste. London Plan Policy 6.9 expects new development to provide secure, integrated, cycle parking, with a one bedroom flat requiring one cycle parking space. The submitted drawings are annotated to show an area within the building, adjacent to the stairs to the upper floors, to be used jointly for bin storage and cycle storage. However, this only illustrates storage for one refuse bin for each flat, where six would be necessary to meet the Council's requirements. In addition, this is an internal space which does not appear to be ventilated to address potential odour from the waste bins. This would result in an odour nuisance to residents. Whilst there is no information regarding the size of bins issued by the Council, neither have the dimensions of the storage space been provided in such a manner that would demonstrate that six wheeled bins could be accommodated in such a manner that they could be conveniently accessed and removed from the storage area to be presented for collection.
13. The submitted drawings do not show the arrangements for cycle storage within this space. Even allowing for the storage of only one cycle for the proposed new flat, I am not satisfied that it has been demonstrated that there is adequate space for a single cycle storage facility to be provided, taking into account the requirement to accommodate six refuse bins for the flats, which would require a greater amount of space than is allocated on the submitted drawings.

14. I therefore conclude that the proposed development would not make suitable provision for storage of refuse bins and cycles. It would not comply with the relevant requirements of Policy 6.9 of the London Plan, DMP Policies DM1 and DM45, and the SPD.

Character and appearance

15. The appeal building is a two storey structure with a pitched roof. At ground floor level is a commercial unit with a shop front and which is currently used as an office. At first floor level is a flat in residential use. It is part of a terrace of buildings that forms one side of Burnt Oak Broadway. Immediately adjoining the appeal building, number 259 Burnt Oak Broadway is a two storey building of similar design beyond which, continuing the terrace to the corner with Columbia Avenue, is a three storey block containing several ground floor commercial units with residential accommodation above. This building has a gabled frontage with projecting oriel windows and 'Mock Tudor' detailing. On the other side of the appeal building, number 263 Burnt Oak Broadway is a two storey building with a commercial unit at ground floor and residential above, adjoining three two storey terraced houses with white painted facades and short front garden areas. After a narrow break in the building frontages, there are two further short terraces each of four, two storey, houses of a similar design to numbers 265 to 269. Beyond these is a further two storey, mixed use, commercial and residential building with a gabled frontage.
16. Opposite the appeal building is the entrance to Edgware Community Hospital, the car parking associated with the hospital use and two, four storey, blocks of modern flats. To the rear, a small development of modern, two storey, buildings with metal, barrel vaulted, roofs has been inserted into the space between the buildings fronting Burnt Oak Broadway and those fronting Vancouver Road. The wider area exhibits a range of building designs and ages, with varied materials and roof forms, giving the area a diverse appearance.
17. The proposal would add an additional storey to the appeal building although, due to the use of a shallower roof pitch, the overall height would not exceed that of its neighbour at number 263. The roof ridge of the building would also be considerably lower than that of the three storey building to the south. Whilst I accept that the eaves level of the resulting building would be higher than that of number 263, the current eaves do not align with this. Burnt Oak Broadway rises in level from south to north, resulting in a stepped arrangement of buildings and consequent changes in the ridge lines and eaves lines. In combination with the range of building designs and heights, this does not result in any strong visual character being derived from continuity of the built form.
18. The appeal building is not listed, nor is it within a conservation area. The proposal would alter the external appearance of the building but, within the context of the varied architecture of the surrounding buildings, I do not find that this would be unduly bulky or visually obtrusive, or harmful to the street scene.
19. I conclude that the proposed development would not cause harm to the character and appearance of the area. It would not conflict with the relevant requirements of Policies 7.4 and 7.6 of the London Plan; Policy CS1B of the Core Strategy or Policy DM1 of the DMP.
20. The first reason for refusal, relating to design, also cites lack of compliance with the Harrow Residential Design Guide Supplementary Planning Document 2010

(the SPD). The SPD is silent in respect of adding further storeys to existing buildings and it is not clear from the Council's evidence which part of the SPD is offended by the proposal. Accordingly, I do not find any conflict with the SPD.

Other matters

21. It is common ground that the appeal proposal would not have an adverse effect on the living conditions of the occupiers of neighbouring properties or have any implications for the operation of the highway in the vicinity of the appeal site. From what I have read and from what I saw when I visited the site, I have no reason to reach a different conclusion on these matters.
22. It is not contended that the policies in the development plan that are most relevant to determining the appeal are out of date. Whilst it is suggested that the Council may not be able to demonstrate a deliverable five year housing land supply, no substantive evidence has been provided which would show this to be the case.
23. The National Planning Policy Framework (the Framework) seeks to increase the supply of housing. Whilst in quantitative terms the appeal proposal would result in the creation of an additional dwelling, this has to be taken in the context that it would be replacing what is currently a one bedroom flat that is capable of housing two persons with two flats each accommodating only one person, which would not increase the number of people who could be housed. There is no evidence before me that would show that there is an overriding need for the type of accommodation proposed. In addition, I have found that the accommodation that would be provided by the appeal proposal would not provide suitable living conditions for the future occupiers. In these circumstances, I can give little weight to this point.
24. None of these matters, either singly or collectively, would outweigh the lack of internal space and inadequate provision for refuse and cycle storage that I have found.

Conclusion

25. I have found that the proposed development would not provide suitable living conditions for the future occupiers and that inadequate provision is made for the storage of refuse and cycles. In these respects, the appeal proposal would conflict with the development plan. Although I have found that there would be no harm to the character and appearance of the area and the Framework seeks to increase the supply of housing, the Framework also requires that new development provides a good standard of amenity for existing and future users. Increasing the supply of housing is not an objective to be pursued at any cost and does not justify granting permission for dwellings that do not meet current standards or are not fit for purpose.
26. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR