
Appeal Decision

Site visit made on 15 November 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 6th December 2019

Appeal Ref: APP/M5450/W/19/3235354
130 Whitchurch Lane, Edgware HA8 6QL

- 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 Jayendra Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2659/19, dated 08 April 2019, was refused by notice dated 8 August 2019.
 - The development proposed is conversion of dwellinghouse into 3 flats; single storey side extension; front porch; bin store.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note the description of development in the decision notice, however, I have used the description from the application form in the interest of certainty.

Main Issues

3. While I note that there are three reasons for refusal, from the evidence before me, the main issues are:
 - whether the proposed development would provide a suitable living accommodation for future occupiers with particular regard to internal space, external private amenity space and cycle storage provision; and
 - the effect of the proposed cycle provision on the character and appearance of the street scene.

Reasons

Living environment

4. The proposal consists of a single side extension to an existing dwelling, a front porch and bin store to convert the property to three flats, two of which would be at ground floor and one at first floor and the loft.
5. Flat 2 of the proposed development would be at ground floor within the proposed side extension and would have an open plan space that would incorporate the kitchen, dining, living and bedroom areas. The kitchen/dining/living area would be roughly 2m wide for the majority of its length. While the area shown with a sofa would be adjacent to the bedroom area, the width of

this living area would still effectively be 2m as well. This narrow space would be likely to be occupied for substantial parts of the day and its width would result in a living environment that would feel oppressive and restricted. The space would have limited usability and would not be adaptable for changing needs. Therefore, the proposal would result in a room layout that would not be functional or fit for purpose.

6. I note that the flat would meet the requirement of Policy 3.5 of The London Plan The Spatial Development Strategy For London Consolidated With Alterations Since 2011 March 2016 (London Plan) in terms of the internal space size requirement. I also acknowledge that the Policy does not stipulate minimum sizes for kitchen/ living areas and the appellant's comments regarding manoeuvring distances. However, it does state that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose. Moreover, Policy DM1 of the Development Management Policies July 2013 (DMP) requires regard to be had to the adequacy of the internal layout of buildings in relation to the needs of future occupiers and DMP Policy DM26 seeks among other things developments that achieve configurations that are practical and fit for purpose, having regard to room size and shape. Therefore, given the narrow width of the kitchen, dining and living area of Flat 2, the proposal would result in a confined and oppressive living environment for future occupiers of this flat and would conflict with the development plan as a whole.
7. Turning my attention to external amenity space, Flat 3 on the first floor and loft area would not have access to the rear garden or any external private amenity space. This flat would have three bedrooms and it would therefore be possible to accommodate a family whose health and wellbeing would be likely to be impaired by a lack of adequate outdoor amenity space.
8. While there is an open public park near the appeal site, given the near total reliance of the future occupiers of this flat on the park for access to outdoor amenity space, this would not fully compensate for the inadequate private amenity space provision proposed.
9. I note that London Plan Policy 3.5 does not specifically state that upper floor flats must have access to private amenity space. However, it does require developments to take account of the home as a place of retreat. In addition, DMP Policy DM1 requires that regard is given to the need to provide a satisfactory quantum and form of amenity space for future occupiers of residential development and DMP Policy DM26 states that where an existing garden is available, proposals must make this available for all future occupiers of the development. Furthermore, the Harrow Residential Design Guide SPD (SPD) states that the Council will seek to ensure that all flats have access to a garden.
10. I acknowledge that other properties in the area, such as 183 Whitchurch Lane and 60 Wellesley Road, where upper floor flats do not have access to the garden, may have been approved by the Council. However, further details of those developments are not before me and in any event, each case must be determined on its individual merits.
11. Therefore, while I note the evidence relating to functional amenity space being provided where possible, given the likely number of future occupiers of Flat 3 and the lack of private amenity space for this flat, the proposed development

- would have an adverse effect on the living conditions of future occupiers and would conflict with the development plan.
12. While I note the reference in the decision notice to insecure cycle storage, from the evidence before me, the proposed enclosure would be secure and this could be controlled via a suitably worded condition.
 13. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard to internal space and external private amenity space. Therefore, the proposal would conflict with London Plan Policy 3.5 which requires developments to be of the highest quality internally and externally. It would also conflict with DMP Policies DM1 and DM26 which together require developments to achieve a high standard of design and layout and provide a satisfactory standard of accommodation. It would also conflict with the SPD, the Mayor of London Housing Supplementary Planning Guidance (2016) and the National Planning Policy Framework (Framework) in this particular regard.
 14. While the proposal would not conflict with the Technical housing standards – nationally described space standard, this does not override the conflict with the development plan as a whole.

Character and appearance

15. Whitchurch Lane is primarily characterised by semi detached and terraced two storey dwellings. While number of front gardens and driveways appear to store their bins near the pavement, the street nevertheless has an attractive and open character and appearance.
16. The drawings indicate that the cycles and refuse and recycling would be located along the sides of the front garden which would be amended to provide some landscaping and parking spaces. The bins and cycles would be stored within timber enclosures that would be discreet and in keeping with the character and appearance of the area.
17. Consequently, the proposed development would not harm the character and appearance of the street scene. Therefore, it would not conflict in this particular regard with DMP Policies DM1 and DM26 which among other things requires developments to have regard to the context provided by neighbouring buildings and the local character and seek development that contribute positively to their surroundings. It would also not conflict with DMP Policy DM45 which requires on-site provision for refuse and recycling to be located and screened to avoid adverse visual impact. It would also not conflict with the SPD in this particular respect.

Conclusion

18. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR