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## Appeal Decision

Site visit made on 5 November 2019

**by Bhupinder Thandi BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 December 2019**

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**Appeal Ref: APP/M5450/W/19/3235468**

**38 Tiverton Road, Edgware HA8 6BE**

- 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 Hero Kalyan against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/2391/19, dated 26 March 2019, was refused by notice dated 7 August 2019.
  - The development proposed is a two storey side extension erection of new 2 bedroom, 3 person dwelling to the side of No 38.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposed development is an appropriate location for housing with regard to the development plan and any relevant national policy;
  - The effect of the proposed development upon the character and appearance of the area; and
  - Whether it would provide acceptable living conditions for future occupiers, with specific regard to outlook and internal space.

### Reasons

3. The appeal site comprises the side and rear garden of No 38 Tiverton Road – a two storey end terraced dwelling located on the junction of Tiverton Road and St Austell Close. The property currently benefits from a good amount of garden land around it creating a sense of spaciousness. The property benefits from a large single storey extension and a detached garage at the end of the garden. The area mainly comprises similar properties although a number have been altered and extended.

#### *Appropriate location for housing*

4. Policy CS1.A of the Harrow Core Strategy (2012) (HCS) amongst other things sets out the strategic vision for the Borough and states that development will be focused in the Harrow and Wealdstone Intensification Area.

5. The site is not within either the Harrow and Wealdstone Intensification Area nor is it strategic previously developed land. The HCS does make provision for 'windfall' development outside of this area on appropriate previously developed land or house conversions which will result in a degree of dispersal of new residential development. However, the policies seek to restrict small scale residential development in gardens, such as the appeal site, in order to prevent the spatial strategy from being undermined.
6. In addition, whilst I acknowledge that the site is located within an accessible location, it is clear from the evidence before me that the site falls within the definition of garden land. By the same token the site does not constitute a gap site having regard to Supplementary Planning Document 'Garden Land Development' (2013) (GLDSPD). It is not an anomalous missing piece in the street scene nor has it the characteristics of an obvious vacant plot.
7. As such, I find that the proposed dwelling in the side garden of the host property would be contrary to Policy CS1.A and CS1.B of the HCS which sets out that the strategic vision for the area whereby development will be focused in the Harrow and Wealdstone Intensification Area, and on appropriate brownfield sites.

#### *Character and appearance*

8. Currently the side garden, despite its appearance, creates a sense of spaciousness on this corner that positively contributes to the area. The development would not, in my view, improve the appearance of the site by filling in the gap to create a holistic street scene. I find that rather it would diminish this sense of spaciousness through the introduction of the built form and would appear as an incongruous feature within the street. The development, therefore, would result in the loss of a garden that positively contributes to the suburban character of the area.
9. I note the presence of side extensions in the area and in particular the extension at No 36 Tiverton Road, however, I am not aware of the individual circumstances which led to them being granted permission by the Council. Every appeal must be considered on its own merits. The presence of other extensions in the area does not outweigh the harm that I have identified in relation to this main issue.
10. I note the comments made by the appellant that the proposed development would be of a good design and would deliver housing for a young family, to meet the need in the borough, and improve the sense of community. Whilst this may well be a benefit of the scheme, I find that this would not outweigh the harm that I have identified in relation to this main issue.
11. I acknowledge the appellants comments in relation to security, and whilst the development would close off the site from the road to a greater extent, I find that this individually or cumulatively would not outweigh the harm that I have identified in relation to this main issue.
12. As such, I find that the proposed dwelling in the side garden of the host property would be contrary to policy CS1.B of the HCS which sets out that proposals that would harm the character of suburban areas and garden land will be resisted. The development would also be contrary to Policy 3.5 of the London Plan (2016) (LP) which sets out that strategic policies should protect

and enhance London's residential environment, and which encourages Borough's to introduce a presumption against the development of private residential gardens.

13. I acknowledge that the design of the proposed development in terms of its appearance, proportions and set back would be in keeping with No 38 Tiverton Road and properties in the area. However, its overall scale and position on a prominent corner would diminish the sense of spaciousness that currently prevails with no buffer between it and the road. As a result, the development would be overly prominent and dominant and would appear as an incongruous feature which would adversely affect the character and appearance of the area.
14. I note the appellant's comments that the development would not harm the living conditions of occupiers of neighbouring properties. The absence of harm in relation to this issue, counts neither for nor against the proposal, and does not alter the harm I have identified in relation to the second main issue.
15. As such I find that the proposed development would be contrary to policies 7.4B and 7.6B of the LP which states that buildings should provide high quality design that has regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass; comprise details and materials that complement the local architectural character. It would run counter to policy CS.1B of the HCS which states that proposals that would harm the character of suburban areas and garden development will be resisted; developments should reinforce the positive attributes of local distinctiveness and extensions should respect their host building. The development would also be contrary to policy DM1 of the Harrow Council Development Management Policies (2013) (HCDMP) which states that all development proposals must achieve a high standard of design and layout and will pay regard to the massing, bulk, scale and height in relation to the location, neighbouring buildings and the local character and pattern of development; and Supplementary Planning Document 'Residential Design Guide' (2010) which requires new development to recognise the character of an area and respect its positive attributes.

#### *Living conditions for future occupiers*

16. I note from the submitted plans that the windows facing towards St. Austell Close serving the kitchen/diner and living room would be obscurely glazed. The appellant has stated the kitchen/diner would be a functional space for cooking and not for recreational purposes. The submitted plans suggest that the space would serve a dual purpose for both cooking and more recreational activities. Taking into account the length of time occupiers would spend in the room preparing or eating meals I find that the obscure glazing would result in an unduly oppressive room with limited outlook. I find that this arrangement would not provide future occupiers with satisfactory outlook resulting in unacceptable living conditions for future occupiers.
17. The Mayor of London Supplementary Planning Guidance 'Housing' (HSPG) encourages a minimum ceiling height of 2.5m for at least 75% of the gross internal area, which is a higher bar than the Technical housing standards - Nationally Described Space Standards which sets out a requirement for a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal area.

18. The ceiling height would be similar to the host property and would accord with the National Described Space Standards which is an appropriate benchmark for considering this element of the development. Notwithstanding the disagreement between the parties and the difference between the SPG and the Nationally Described Space Standards the proposed ceiling height would be acceptable and would not result in a cramped or poor standard of living at first floor level. I have no reason to depart from those standards and as such I find that the development would accord with Policy 3.5 of the LP, Policy DM1 of the HCDMP, the HSPG and Supplementary Planning Document 'Residential Design Guide' which requires the incorporation of the Technical housing standards - Nationally Described Space Standards and adequate internal layouts in relation to the needs of future occupiers.
19. I note the appellant's comments that the proposed room sizes would exceed both standards set out in the LP and the Technical housing standards - Nationally Described Space Standards. Whilst I acknowledge this, the absence of harm in relation to this issue, counts neither for nor against the proposal, and does not alter the harm I have identified.
20. Due to the limited outlook from the side windows in the kitchen/diner and living room, I find that the proposed development would not provide future occupiers with acceptable living conditions with regard to outlook. Thus, it would be contrary to policies 3.5 and 7.6B of the LP which require housing developments to be of the highest quality internally and provide high quality indoor spaces. It would also be contrary to policy DM1 of the HCDMP which states that all developments must achieve a high standard of amenity including adequate light and outlook within buildings including kitchens; and the HSPG which encourages housing that provides comfortable and enjoyable places of retreat and privacy.

### **Conclusion**

21. For the reasons set out above the appeal is dismissed.

*B Thandi*

INSPECTOR