



Appeal Decision

Site visit made on 22 October 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2020

Appeal Ref: APP/M5450/W/19/3233899

13A High Street, Wealdstone, Harrow HA3 5BY

- 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 Mrs Han against the decision of The London Borough of Harrow.
 - The application Ref: P/0902/19, dated 26 February 2019, was refused by notice dated 2 May 2019.
 - The development proposed is described on the application form as proposed rear dormer to facilitate loft conversion and conversion of existing first floor flat into 2 self-contained units.
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Decision

1. The appeal is allowed, and planning permission is granted for the proposed rear dormer to facilitate loft conversion and conversion of existing first floor flat into 2 self-contained units at 13A High Street, Wealdstone, Harrow HA3 5BY in accordance with the terms of the application Ref: P/0902/19, dated 26 February 2019 and subject to the conditions set out in Schedule 1.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. As set out in the banner header above, the proposal incorporates a rear dormer window to facilitate the conversion of the first floor flat into two flats. The Council has no objection to the dormer window because it is located on the rear roof slope it would not be visible from public vantage points. Having viewed this element of the proposal on site I find no reason to take a different view and am satisfied that the respective elements would compromise good design in compliance with relevant planning guidance and policy.
4. Consequently, the main issues are whether the proposed development would provide suitable living conditions for future residents with regard to access to outdoor amenity space and whether suitable arrangements for bin storage/ refuse collection and cycle parking can be made in the interests of the character and appearance of the area, hygiene/ pollution control and to encourage sustainable forms of travel.

Reasons for the Recommendation

Living Conditions – Access to Rear Amenity Area

5. The site is located on High Street which is characterised by commercial units and other appropriate town centre uses located on the ground floor and accommodation on the upper floors. The appeal building follows this pattern of development. The proposal would divide the existing accommodation into two self-contained flats and build a dormer window on the rear roof slope. This would include a new internal stairwell which would then open out onto the raised patio area that is shared with no.11 and there are stairs from this patio area which lead into the rear garden. Whilst the external staircase is not shown on the submitted plans there is no reason to suppose that it would not be available to residents of the flats, given that it is already in situ and available to residents of the existing unit. Therefore, I am satisfied that future occupiers would be able to access the rear garden of the property via the internal staircase.
6. In addition, access would be available via the alleyway which leads from the High Street to the garden, running past the side of No.9. There is a gateway from the alleyway which gives access to the appeal site through the rear garden areas for no.9 and no.11. Whether that is an informal arrangement, or a right of access is not clear but, in any event another access to the rear of No.13 is available by continuing along the alleyway, without passing through the neighbouring gardens. This type of access arrangement is relatively common in city and town centre locations and it is clear that future occupiers of the two flats would be able to access the rear garden area for the building.
7. The Council is satisfied that the size of the amenity space is adequate to serve the two units and I see no reason to take a different view. Consequently, the living conditions of future residents would not be impaired by a lack of access to the rear amenity space.

Bin Storage/Refuse Collection and Cycle Parking

8. There is sufficient space within the site to provide secure bicycle parking and bin storage within the garden and the submitted plans depict the location within the rear amenity space where those facilities would be provided. As set out above, the facilities would be accessible for residents of the flats and the facilities could be secured by appropriately worded conditions. It is likely that residents would need to take refuse to the front of the site for collection on the relevant collection day but that arrangement is not uncommon in built up areas and I see no reason why the suggested arrangements would cause harm to the character and appearance of the area or cause any hygiene or pollution issues.
9. Similarly, the space is accessible to residents and would enable secure cycle parking which would be in line with national and local planning policies aimed at encouraging sustainable modes of transport. Therefore, I consider the proposals would be acceptable in those regards.

Conclusions on Main Issues

10. Therefore, the living conditions of the occupiers would be acceptable and suitable arrangements for bin storage and collection and cycle storage can be made in the interests of the character and appearance of the area, pollution control and sustainable transport. For those reasons the proposed development would be in accordance with the relevant sections of policies 3.5, 6.9, 7.4 and 7.6 of The London Plan (2016), core policy CS1B of Harrow Core Strategy (2012) (the CS), policies DM1, DM26 and DM27 of the Harrow Council

Development Management Policies (2013) and the Supplementary Planning Document: Residential Design Guide Supplementary Planning Document (2010).

Conditions

11. The Council has suggested a number of conditions. I have included those which meet the six tests set out at paragraph 55 of the National Planning Policy Framework, rewording, where necessary, for clarity. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity.
12. The Council has suggested that a condition requiring a scheme of hard and soft landscaping is attached "in the interests of the character and appearance of the area". Given that I have found no harm to the character and appearance of the area such a condition is not necessary. Moreover, the amenity space to the rear is currently in a usable condition and no further work would appear to be necessary to make it available to prospective residents. A condition to secure cycle parking is necessary in the interests of encouraging sustainable modes of transport in line with the requirements of the development plan. A condition to secure refuse waste provision is necessary to ensure adequate standards of hygiene and refuse/waste collection are maintained and in the interests of the character and appearance of the area.
13. The Council's suggested a condition that would limit the use of the application site to C3 residential use and would remove Class L of Schedule 2, Part 3 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) (GPDO). The Planning Practice Guidance (PPG) notes that conditions that restrict the future use of permitted development rights of changes of use may not pass the test of reasonableness.¹ There is nothing to suggest that there is an overconcentration of Houses in Multiple Occupation in the street and as a consequence I do not consider the condition would pass the test of necessity or reasonableness.
14. The Council has requested a condition to ensure the development is built to a specific standard set out within Part M of the Building Regulations. Whilst policy 3.5 of the London Plan (2016) makes some reference to the Building Regulations I can find no requirement to ensure development is carried out in accordance with Part M of the Building Regulations in the CS and the PPG explicitly states that conditions requiring compliance with other legislation will not meet the test of necessity. Accordingly, I recommend that the condition should not be attached.
15. I am not satisfied that a condition to ensure that any hardsurfacing is constructed from a porous material is necessary. The amenity space to the rear is already hard surfaced and the development does not include proposals to create additional hardsurfacing. Consequently, the development would not increase surface water run-off or have any implications for flood risk.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

¹ Paragraph: 017 Reference ID: 21a-017-20190723

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR

SCHEDULE 1

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plan listed: 13AHS/P200.
- 3) Prior to occupation of each of the units hereby approved, details of the secure cycle parking to serve the flats will be submitted to, and approved in writing by, the local planning authority. The cycle parking shall be carried out in accordance with the approved details prior to the occupation of any of the units and shall thereafter be kept available for the parking of bicycles.
- 4) Prior to occupation of the units hereby permitted a scheme for the storage and disposal of refuse/waste shall be submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained for the storage and disposal of refuse/waste.