
Appeal Decisions

Site visit made on 1 October 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2020

Appeal A Ref: APP/M5450/W/19/3232334 72-74 Cecil Road, Harrow HA3 5RA

- 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 E Hatillari against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1482/19, dated 27 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is conversion of two terraced houses into four self-contained flats; two single-storey rear extensions; one hip-to-gable roof extension; two rear roof extensions; installation of four rooflights on the front roof slope; with associated amenity space, cycle and refuse storage.
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Appeal B Ref: APP/M5450/W/19/3232335 72-74 Cecil Road, Harrow HA3 5RA

- 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 E Hatillari against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0002/19, dated 31 December 2018, was refused by notice dated 7 March 2019.
 - The development proposed is conversion of two terraced houses into four self-contained flats; two part single/part double storey rear extensions; one hip-to-gable roof extension; two rear roof extensions; installation of four rooflights on the front roof slope; with associated amenity space, cycle and refuse storage.
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Decisions

1. Appeal A is allowed and planning permission is granted for conversion of two terraced houses into four self-contained flats; two single-storey rear extensions; one hip-to-gable roof extension; two rear roof extensions; installation of four rooflights on the front roof slope; with associated amenity space, cycle and refuse storage at 72-74 Cecil Road, Harrow HA3 5RA in accordance with the terms of the application, Ref P/1482/19, dated 27 March 2019, and the plans submitted with it, subject to the conditions in the attached schedule.
2. Appeal B is dismissed.

Procedural Matters

3. The proposals in the two appeals are similar. Although I have considered each proposal on its individual merits, to avoid duplication I have considered the two schemes together, except where otherwise indicated.

4. The evidence shows that both 72 and 74 Cecil Road have received prior approvals¹ for the erection of ground floor rear extensions with maximum depths of 6m. I saw at my site visit that footings had been laid at the rears of the properties, which appeared to coincide with the single storey additions contained in the appeal proposals.
5. The Council has issued certificates of lawfulness² with regards to developments at the site. These relate to dormer extensions to both properties and a hip-to-gable extension on No 74. At the time of my visit, I saw that dormers had been erected on the rears of the properties and that a gable had been formed on No 74.
6. I have used the descriptions of development on the application forms, save that I have omitted their final sentences final as they do not describe development.

Main Issues

7. The main issues in Appeal A are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of future occupants, having particular regard to floor to ceiling heights, amenity space and refuse storage provision.
8. The main issues in Appeal B are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of future occupants, having particular regard to floor to ceiling heights and amenity space; and
 - Flood Risk

Reasons

9. Cecil Road is characterised by terraces of two-storey dwellings running along its north-eastern side and commercial properties on its southwestern side. Although there are some differences in properties along the road, 72 and 74 Cecil Road are fairly typical of the development there. They lie at the end of one of the terraces, with No 74 being semi-detached and presenting its side elevation towards Wellington Road. To their rears, the properties have fairly generous gardens.

Appeal A

Character and Appearance

10. The extensions to form the living room areas to the proposed ground floor flats would be modest in size. They would share the same single storey height as the previously permitted 6m long side extensions, behind which they would be sited. Neither would be seen from public vantage points and would have no ill-effect on the appearance of the area. Although they would result in the loss of a small area of the rear gardens, this would have a negligible effect on the character of the site or the wider area.

¹ Under the terms of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

² Under the terms of the Town and Country Planning Act 1990 (as amended)

11. Spaces between first floor projections, described as wells, characterise the rear elevations of properties in the road, and provide valuable articulation to them. As a result of the proposed development, the wells would only be partially enclosed by the small glazed balconies and a privacy screen arising from the formation of the proposed terraces. This would not result in the harmful infilling of these features or a harmful increase in the mass of the buildings. They would, rather, reduce the imposing effect of their flanking three-storey elements.
12. Although I did not see any other terraces in the area, this does not mean that what are proposed would be harmful to the area's character and appearance. My decision is based on the individual merits of this proposal and should not be taken as a precedent for other terraces, which would have to be assessed on their individual merits.
13. Given the above, I find that the proposed development would not result in harm to the character and appearance of the area. It would thus be in accordance with Policy CS1 of the Harrow Core Strategy 2013 (CS) that seeks to ensure that development responds positively to local character. It would also accord with the terms of Policy 7.4 of The London Plan, 2016, that require high quality design. These aims are reflected in Policy DM1 of the Council's Development Management Policies Local Plan 2013 (DMP), its Supplementary Planning Document: Residential Design Guide 2010 (RDG) and the National Planning Policy Framework, (the Framework), with which the proposal also accords.

Living Conditions

14. Table 3.3 of Policy 3.5 of the London Plan requires a minimum floor to ceiling height of 2.3m across 75% of the gross internal floor area of each new dwelling. The section on drawing 1802_PL_40 Revision A has a dotted line that shows the 2.3m mark. This line is far thinner and less bold than a line that shows the ceiling level. Although not clear, had the two lines been shown in the same manner, it appears to me they would be at the same level. On the basis of the submissions, I find that the 2.3m requirement for the flat would be met.
15. Although, given its mid-terrace position, there is no external amenity space requirement for the duplex flat proposed in No 72, both it and its counterpart in No 74 would be provided with external amenity space in the form of a first-floor terrace. Each would have a floor area of 5sqm. This accords with the requirement in the Mayor of London's Housing Supplementary Planning Guidance, March 2016, (SPG) which is referenced in DMP Policy DM27 and the RDG.
16. I was not provided with a copy of DMP Policy 26, which I am told requires the use of existing garden areas by all future occupants of this form of development and suggests the gardens' sub-division to this end. If this is the case, there would seem to be some friction between it and the policy and guidance I refer to in the preceding paragraph. Notwithstanding this, from the evidence before me I find that the duplex flat in No74 would be provided with appropriate external amenity space.
17. For the above reasons, I find that the proposed development would provide future occupants of the development with suitable living conditions. In addition to compliance with the policies referred to in the preceding paragraphs, the

development would also accord with the terms of: Policies 3.8 and 7.6 of The London Plan 2016, which require the provision of a range of high-quality homes and high quality architecture, respectively; DMP Policy DM1, which requires, amongst other things, satisfactory amenity space and adequate internal layout; and the aims of the Framework and RDG.

Other Matters

18. Although not referred to in the reasons for refusal, the Officer's report sets out that the first-floor terraces would have an adverse effect on the privacy of the occupants of 75 Wellington Road. I was able to see at my visit that, due to the distance between the site and that property, the resultant relationship would be acceptable.
19. The Council did not refuse the application on the grounds of a lack of adequate refuse facilities and cycle parking provision. However, its submission referred to the need for two refuse bins per flat and a lack of details regarding cycle storage. It set out that these are matters that could be resolved through condition, a view with which I concur.

Conditions

20. The Council submitted a schedule of conditions it would wish attached to any permission, should the appeal be allowed. In addition to the statutory time condition, I agree that a condition ensuring compliance with the approved plans is necessary in the interests of clarity. In respect of the latter, the Council's list of plans included the submitted flood risk assessment. I agree that this is necessary; however, as the evacuation details contained in its 'Surface water (pluvial) flood mitigation measures' are somewhat spartan, I have attached condition 7 requiring the submission of further details in this regard and the implementation of the agreed scheme.
21. A condition regarding external finishes is required in the interests of the appearance of the development. I have amended and simplified the terms of the condition proposed with regards to the installation of windows in the side elevations of the resultant flats. I agree that this is required with regards to the ground floor flat formed in No 72, to protect the privacy of the occupants of 70 Cecil Road. However, given that they face onto Wellington Road, there is no need for this condition to apply to the flats proposed in No 74. Similarly, as there is no flank wall facing No 70 from the upper floor flat proposed in No 72, there is no need for such a condition to refer to that flat.
22. I have discussed the need for conditions controlling the provision of cycle parking and refuse facilities, above.
23. The Council's proposed condition precluding the use of the ground floor extensions' flat roofs as amenity areas is necessary in the interests of the privacy of the occupants of existing and future residents of the area.

Conclusion

24. For all of the reasons given above, and having taken all other matters into consideration, I conclude the appeal should be allowed, subject to the identified conditions.

Appeal B

Character and Appearance

25. I have described the valuable role that the wells at first floor level play in the street scene, in Appeal A. Although the flat roofs of the first floor extensions that are proposed would align with, and match those of the first-floor projections and dormers, the extensions would result in the loss of articulation at the rears of Nos 72 and 74. They would result in buildings with a massing that would be significantly out of keeping with, and harmful to, the street scene. Although the extensions would maintain balance in the rear elevation, this would not outweigh the harm that I have identified.
26. On this issue, I find that whilst the ground floor extensions would be acceptable, those proposed at first floor would cause harm to the character and appearance of the area. Thus, the proposed scheme would be contrary to those terms of Policy 7.4 of The London Plan 2016 that require development proposals to have regard to the surrounding area. These terms are reflected amongst those in Policy CS1 of the Harrow Core Strategy, 2012, and Policy DM1 of the Development Management Policies Local Plan, 2013, and the guidance in Council's Residential Design Guide, 2010.

Living Conditions

27. Paragraph 5.16 of the RDG does not set out an objection in principle against upper floor flats without external amenity space. However, its aim is that such space should be provided where possible and, in this regard, it promotes the sub-division of rear gardens.
28. I agree that, in the scheme before me, it would be difficult to provide external amenity space in the rear garden, although I do not find that its users would find it to be unduly noisy and the degree of overlooking would be expected in an urban environment such as this. The SPD recognises that the provision of balconies might cause problems in terms of loss of privacy and visual impact and I can see that the use of the flat roof above the ground floor units might lead to these problems arising.
29. However, I am not convinced that what is proposed would be the only way to convert the properties. It seems possible that converting 74 Cecil Road in another manner could allow for the provision of external amenity space for all of the units that would neither be harmful to the living conditions of its users and neighbours nor cause visual harm. Therefore, the exceptional circumstances set out in paragraph 2.3.32 of the SPG are not present here.
30. The proposal to use the areas to the front of the properties, as is the case with the existing two dwellings, is acceptable in principle. Siting the bins here, close to the entrance to the flats, would be convenient to their future occupants. The Council states that two flats per dwelling would not be sufficient; however, it does not provide any evidence in this regard. Notwithstanding this, were additional bins required, there is the opportunity for the rear gardens and outbuildings shown on the Proposed Site Plan to be used by occupants of the ground floor units. This is a matter that could be controlled by condition, resulting in compliance with DMP Policy DM45 that, amongst other things, requires the on-site provision for waste and recycling.

31. The Council's reason for refusal relating to floor to ceiling height is the same as that given in the decision for Appeal A. Given this, my findings on this issue in that appeal also apply here.
32. The lack of outdoor amenity space to the upper flat at No 74 would have an adverse effect on the living conditions of its future occupants. Although this and the other proposed flats would be provided with sufficient floor to ceiling heights, and the provision of suitable refuse arrangements would be possible, this does not outweigh the harm that I have identified. The development would, therefore accord with the terms of: Policies 3.5 of The London Plan 2016, which requires developments to be of the highest quality externally; DMP Policy DM1, which requires satisfactory amenity space; the SPG and the SPD.

Flood Risk

33. The application that forms the subject of this appeal was not accompanied by a Flood Risk Assessment (FRA). However, that which forms the subject of Appeal A was. Amongst its conclusions were that the site lies within Flood Zone 1 where the proposed development would be acceptable, subject to a series of mitigating measures.
34. This was assessed by the Council's Drainage Team and, in the light of this, the Officer's report for that application concluded that if the application were to be approved a condition regarding the provision of mitigating measures would be required. In the light of this, I find that the proposed development would be acceptable in terms of flood risk. It would, therefore, accord with the terms of DMP Policy DM9 that requires, amongst other things, development proposals to demonstrate that they will be flood resistant and resilient and that they make provision for flood mitigation measures. These terms are reflected in CS Policy CS1, London Plan Policy 5.12 and Policy SI12 of the Draft for Public Consultation London Plan 2017.
35. DMP Policy DM10 and London Plan 5.13 relate to on-site water management and surface water attenuation and, therefore, are not directly relevant to the reason for refusal.

Other Matters

36. Whilst not referred to in the reason for refusal, the Officer's report makes reference to the harm the Council feels would arise from the ground floor infill extensions. The reasoning that is put forward in this regard is the same as is the case in Appeal A. I have addressed this in my 'Character and Appearance' section for that appeal, and the same reasons I have given there apply here.

Conclusion

37. For the above reasons, and having taken all other matters into account, Appeal B is dismissed.

Roy Curnow

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal Reference APP/M5450/W/19/3232334

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1802_72-74_OS MAP; 1802_PL_05 REV 0; 1802_PL_06 REV 0; 1802_PL_07 REV 0; 1802_PL_08 REV 0; 1802_PL_09 REV 0; 1802_PL_35 REV A; 1802_PL_36 REV A; 1802_PL_37REV A; 1802_PL_38 REV B; 1802_PL_40 REV A; 1802_PL_41 REV A; and the Flood Risk Assessment produced by Flood Smart, dated 22 March 2019, (subject to the terms of condition 7 in this schedule).
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing buildings.
- 4) No windows or doors shall be installed in the flank wall of the ground floor flat formed in 72 Cecil Road facing 70 Cecil Road without the prior permission in writing of the local planning authority.
- 5) Notwithstanding the details on the approved plans, prior to first occupation of the development, details of the refuse and recycling stores shall be submitted and approved in writing by the Local Planning Authority. The refuse and recycling stores shall be implemented in accordance with the approved details and thereafter retained. The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.
- 6) Notwithstanding the approved plans, prior to the first occupation of the development hereby approved details of safe and secure cycle storage in accordance with London Plan Standards (2016) shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented and shall thereafter be retained.
- 7) The roof areas of the single storey rear extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.
- 8) Notwithstanding the details contained in the section entitled 'Surface water (pluvial) flood mitigation measures' in the Flood Risk Assessment produced by Flood Smart, dated 22 March 2019, the development hereby permitted shall not be first used or occupied until details of flood warning and evacuation procedures for occupants and users of the building have been submitted to the local planning authority and approved in writing. The approved measures shall be implemented and thereafter remain in place for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.