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## Appeal Decision

Site visit made on 6 January 2020

**by E Symmons BSc (Hons), MSc**

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

**Decision date: 10 February 2020**

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### **Appeal Ref: APP/M5450/W/19/3239046 35 Wolseley Road, Harrow HA3 5RU**

- 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 Turgay Yigit against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/2702/19, dated 16 June 2019, was refused by notice dated 12 August 2019.
  - The development proposed is for internal renovation and first floor rear extension plus conversion of the premises into two self-contained residential units.
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### **Decision**

1. The appeal is dismissed.

### **Application for costs**

2. An application for costs was made by Mr Turgay Yigit against the Council of the London Borough of Harrow. This application is the subject of a separate Decision.

### **Procedural Matters**

3. Although the Council's officer report cites conflict with several policies, these have not been carried forward to the Decision Notice. Nonetheless, I have found policies DM 26, DM 27 and DM 42 of the Council's Development Management Policies 2013 (DMP) and Policy 6.1 of the London Plan 2016<sup>1</sup> (London Plan) relevant to the appeal and have given them full weight within this decision.

### **Main Issues**

4. The main issues are:
  - the effect of the proposal on the living conditions of future occupiers with respect to the availability of outdoor amenity space, and
  - whether the proposal provides accessible, integrated and convenient cycle parking facilities for the upper floor flat.

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<sup>1</sup> The London Plan. The Spatial Strategy for London Consolidated with Alterations Since 2011. March 2016.

## Reasons

### *Living conditions*

5. The property is a two storey end terrace with a front paved garden which provides access to the front door and storage for several refuse bins. The proposal would comprise two flats with Flat A on the ground and Flat B on the first floor. Both would have two bedrooms and a maximum occupancy of three persons. During my site visit I observed that the existing garden has been split into two separate areas and Flat A would be served by the area immediately adjacent to the rear of the building. Garden space for Flat B would be provided within the bottom part of the garden.
6. The London Plan recommends 5 square metres (m<sup>2</sup>) outdoor amenity space for a 1-2 person dwelling, adding an additional square metre for each additional occupier. Flat B would therefore require 6m<sup>2</sup> of outdoor amenity space. Although the bottom section of the garden measures around 10m<sup>2</sup>, the Council contends that the presence of the proposed cycle parking would reduce the available space to around 6m<sup>2</sup>. However, even if this were the case, this would still comply with London Plan standards.
7. Access arrangements to this garden are a major constraint upon its use. The area would be reached via an access point which leads off between 1 and 3 Wellington Road. Policies DM 1 and DM 26 of the DMP seek provision of garden space which is accessible within the site boundary. Additionally, the supporting text to Policy DM 1 clarifies this view stating that outdoor spaces should have a configuration and relationship with buildings which secures a high level of functionality. To reach the proposed garden, occupants of Flat B would need to go downstairs, exit the front door, travel along Wolseley Road past three properties, turn the corner and go down past further properties on Wellington Road. The access route then passes back past the rear garden boundaries of the Wolseley Road properties before accessing the garden. This arrangement is circuitous and unsatisfactory and would limit the use of the garden area.
8. The appellant refers to an alternative route to the rear of the dwelling via a side access between 33 and 35 Wolseley Road. This route is outwith the red line boundary of the proposal and no substantive evidence has been provided regarding its suitability or accessibility. Additionally, even if a right of access could be demonstrated, should a car be parked in this area, access would be constrained. Although no cars were parked in this area during my site visit, I have no certainty that this does not occur, particularly since there are parking restrictions present within Wolseley Road.
9. With regard to the quality of the space, although it would be of adequate area, the London Plan also requires garden space to be of a practical shape and utility and offer good amenity. However, given the size of the area the outdoor space is enclosed due to the surrounding 1.8 metre high fence. This will affect light levels and outlook which the London Plan and Policy DM1 seeks to ensure.
10. The appellant suggests that the front outdoor area could be used by Flat B as additional outdoor space. However, this is a small area which is open to the street with much of the available space taken up with access to and storage for refuse bins. Its value as private outdoor amenity space is therefore limited.

11. The appellant contends that provision of private outdoor space, even at some distance to the dwelling, is preferable to use of public parks. Although this may be the case, in accordance with Policy DM 26, as there is an existing garden, it should be made available for all future occupants and accessible within the site boundary.
12. The proposed outdoor area for the upper flat would not provide for the needs of future occupants due to its lack of accessibility and poor amenity. This would harm the living conditions of future occupiers and conflict with guidance contained within the Council's Residential Design Guide Supplementary Planning Document 2010 (Residential SPD). The proposal would also conflict with Policies DM 1, DM 26 and DM 27 of the DMP and Policy 3.5 of the London Plan with respect to the provision of appropriate outdoor amenity space.

#### *Cycle parking*

13. Cycle parking for the two flats would be provided to the rear and within the respective garden areas. The Council's Residential SPD recommends that cycle parking facilities should be in close proximity to main building entrances. Policies DM 1, DM 26 and DM 42 of the DMP seek adequate parking provision. London Plan Policies 3.5, 6.1 and 6.9 seek high quality housing and promote sustainable forms of transport and provision of secure, integrated convenient and accessible cycle parking facilities.
14. As discussed above, I do not consider that the access arrangements for the garden area allocated to Flat B are adequate. The distance which would need to be travelled to reach the cycle parking is relatively long. Additionally, no substantive evidence has been provided regarding the width of the rear access route from Wellington Road. From observations during my site visit this route was narrow and it would be difficult to negotiate pushing a cycle.
15. The Design and Access Statement considers the side access route between 33 and 35 Wolseley Road to be an alternative route to Flat B's garden area and cycle storage. However, as discussed above, and even if it was available, should a car be parked in this area, it would be difficult to gain access with a bicycle. Additionally, there is a fence and gate which partitions this access off from the street. Behind this fence is a shed and landscaped area. Currently it would not be possible to take a bicycle through this route to access the proposed cycle parking due to the uneven topography. No proposals to ensure this access could be made suitable have been submitted.
16. The appellant has suggested that if the rear position of the cycle parking is unacceptable, it would be possible to relocate this to the front of the dwelling. Additionally, the Council suggest it would be possible to overcome this reason for refusal with a condition. There is a previous appeal<sup>2</sup> decision relating to this property. In this, the Inspector found that bin and cycle storage to the front of the property would not harm the character and appearance of the area or the living conditions of occupiers of the ground floor flat. This suggests that the Inspector considered it possible to accommodate both uses within the front garden. However, I have no evidence that the current layout reflects the plans which were before the previous Inspector at the time of his decision. Additionally, at the time of his visit, the bin store was only partially constructed. As observed during my site visit, the bin store has now been

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<sup>2</sup> APP/M5450/W/19/3222846.

installed and there is very little space within the front garden to accommodate both uses whilst retaining access to the front door, lower flat windows and the bin store.

17. I have not been provided with a layout showing how the bin store and parking for two cycles could be accommodated within this area. I also have no certainty that the previous Inspector's decision was made on the same basis as my own. Consequently, and considering my observations, I am unable to agree that cycle parking could be accommodated within the front garden and that a planning condition could resolve this matter.
18. As this proposal would be a car free development the availability of suitable cycle parking provision is particularly important. The appellant has not demonstrated that this can be provided. The proposal therefore conflicts with Policies 3.5, 6.1 and 6.9 of the London Plan, Policies DM 1, DM 26 and DM 42 of the DMP. These policies together and amongst other matters promote sustainable forms of transport and a requirement for appropriate cycle parking.

### **Conclusions**

19. This proposal would add to the supply of entry level housing which would be a benefit. However, provision of one additional dwelling is a modest benefit which would be outweighed by the harm to the living conditions of future occupiers which I have identified above.
20. For the reasons stated above the appeal is dismissed.

*E Symmons*

INSPECTOR