



Appeal Decision

Site visit made on 21 January 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/M5450/W/19/3238669

Cavendish Works, 197 Burnt Oak Broadway, Edgware, London HA8 5EH

- 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 James Perris against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4292/18, dated 25 September 2018, was refused by notice dated 10 July 2019.
 - The development proposed is second floor construction providing rental office accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - The living conditions of existing occupiers with particular regard to noise transfer between floors;
 - The effect of the proposal on highway safety; and
 - Whether or not there is adequate provision for refuse storage.

Reasons

Character and Appearance

3. The appeal site is set back from the A5 Burnt Oak Broadway and is part of the Cavendish Works cluster of small business enterprises consisting of MOT and motor repair garages, roofing suppliers and building services. The appeal site is a flat roofed two-storey building with ground floor surveyors office and small forecourt to the front with an adjacent entrance door providing access to the first-floor residential flats. The building is utilitarian in appearance.
4. The proposed second-floor element would be set back from the front building line and span the full width of the property with large fenestration detail with both metal and timber cladding to face its external elevations. I recognise that flat roofs and three-storey buildings are not uncommon within the locality given

the adjacent residential Vancouver House is a purpose built block of three-storey flats.

5. The addition of a second-floor flat roof would not be out of place in this context. However, the appeal property is visible from the main road due to the wide access between the existing shop units on Burnt Oak Broadway that leads to the service road to Cavendish Works. Its visibility is further noticeable given unit 195B Burnt Oak Broadway is single storey and flat roofed with clear views above and over it towards the appeal site, which is seen almost in its entirety between the wide gap in the units. The appeal site currently has a subservience to the prominence of the properties along this part of Burnt Oak Broadway.
6. The proposed second-floor, of the high proportions and full width across the host property would appear top-heavy to the main building and unduly wide. It would compete with the proportions of Vancouver House that is further set back from the appeal site, and blends into the background. The appeal building would become the more dominant form of development in this back lane location.
7. The other three-storey buildings within the area flank Burnt Oak Broadway and create a strong presence to the street scene. Despite the appellant's argument that the proposal would be high quality design and of a contemporary nature, the building with the proposed extension when viewed from Burnt Oak Broadway, would appear as an incongruous feature within the street scene, visually prominent and intrusive. Taking these matters into account, I conclude that the proposal would be harmful to the character and appearance of the street scene.
8. The proposal therefore in this regard would not accord with Policy CS1B of the Harrow Core Strategy 2012, or Policy DM1 of the Harrow Council Development Management Policies 2013 (DMP), in their design aims for development to respond positively to local context and achieve a high standard of development. Nor would it align with the National Planning Policy Framework, (the Framework) which seeks to achieve well-designed places, or the London Plan, Policies 7.4B and 7.6B that, in short, advocates high quality design in new developments; to have regard to form; and that development does not cause unacceptable harm to the amenity of surrounding land and buildings.

Living Conditions

9. Turning to the matter of noise transfer between the proposed office and the residential accommodation below, regular hours of office operations could be conditioned as well as numbers of staff on site at any one time, should the appeal be allowed. This, together with a noise survey that would suggest measures to mitigate noise transfer between floors, would ensure the living conditions of the residential occupiers are not unduly harmed.
10. I apply weight to the fact that there is already office accommodation at ground floor with residential above, and regardless of the layout of the first-floor accommodation, there would be little difference in the proposed circumstances to the arrangement that currently exists.
11. In view of the above points, I conclude that the proposal would not have an adverse effect on the living conditions of existing occupiers with regard to noise transfer between floors. As such I do not find the proposal in conflict with

Policy DM1 of the DMP in particular regards to amenity of future occupiers, or Policy 7.6B of the London Plan that seeks to protect against development that would cause unacceptable harm to amenity.

Highway Safety

12. The layout of the proposed office accommodation demonstrates approximately 11 office chairs around desks although the appellant states that 7 staff would be expected to be employed at the site and confirms the proposed office accommodation would be a car-free scheme.
13. I note the very short distance to walk from the site to the bus stops on either side of Burnt Oak Broadway for buses to Edgware and Sudbury Town and Watford Junction, amongst other destinations. I also note the approximate 10-15 minute walk to Burnt Oak underground station. In my view, the reliance of the private car to the site would be unlikely, in favour of public transport modes that are available within the area.
14. The site is located within a sustainable location with good access to several public transport options whereby the number of additional public transport users the proposal would generate, would be negligible. Having regard to the above points, I conclude that the proposed development would not have an adverse effect on highway safety. It would therefore not be contrary to Policies DM42 or DM43 of the DMP as I consider no mitigation of transport impacts of the development to be necessary. Nor do I consider the proposal to be in conflict with the London Plan Policy 6.3 as it would not adversely affect safety on the transport network, and I do not consider Policy 6.4 to be relevant in this circumstance.
15. On this basis the proposal does not acceptably offer opportunities to promote cycling for staff or visitors. The proposed cycle store would therefore not be fit for purpose in accordance with the requirements of Policy DM42 of the DMP and would be in conflict with the Framework that encourages promotion of cycling.

Waste Management

16. I observed one single domestic bin located close to the main entrance to the first-floor flats within an enclosed forecourt area.
17. The location of the proposed bin storage area would be physically difficult to access given the narrow width of the path down the side of the building to the rear, which would also lead to the proposed cycle store. Furthermore, there was no evidence of other bins being stored within this dedicated area. I therefore discount this as a realistic option to pursue, and together with no confirmed refuse capacity to meet the requirements of the proposed development, I conclude that the proposal does not provide an adequate layout as required by policy DM1 of the DMP, or meet the criteria of good waste management in accordance with policy DM45 of the DMP.

Other Matters

18. The Council has brought to my attention an unlawful two-storey extension and that the first-floor layout is not in accordance with the approved plans¹.

¹ Application reference P/4422/15

However, despite these matters and the letter of support to the proposal, I find the proposal to be unacceptable in other regards and have based my decision on these reasons. Therefore, it is not necessary for me to consider these other matters in more detail.

19. Given the number of additional employees the proposal would generate and potential visitors to the site, and as it would be a car-free scheme, on-site cycle parking should be provided. This has been identified within a corner to the rear of the site. However, accessibility to this area would be difficult due to the narrow width of the passageway and it would block access to the rear of the building. I therefore consider that the proposed cycle store in this location would be rendered an unviable option.
20. The appellant argues that the proposal would provide employment opportunities within the area and that the building has been brought up to a better standard than before. Whilst I recognise these positive attributes, this does not outweigh the harm I have identified.

Conclusion

21. Although I have not found against the proposal on matters pertaining to living conditions or highway safety, my adverse conclusions regarding character and appearance, refuse storage and provision for cyclists means that, on balance, the appeal is dismissed.

Alison Scott

INSPECTOR