The Planning Inspectorate

Appeal Decision

Site visit made on 11 February 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2020

Appeal Ref: APP/M5450/W/19/3241402
Garages adjacent 104 and 104 Byron Road, Wealdstone, Harrow HA3 7TQ

- 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 K Haria against the decision of the Council of the London Borough of Harrow.
- The application Ref P/5435/18, dated 7 January 2019, was refused by notice dated 27 August 2019.
- The development proposed is described as 'two storey and single storey side to rear extension to create separate dwellinghouse. Enlargement of vehicle access. Landscaping; refuse and cycle storage (demolition of garages at rear). Proposed rear dormer to existing dwelling.'

Decision

1. The appeal is dismissed.

Procedural matters

2. I have taken the name of the appellant from their appeal form as it is not on the application form.

3. Whilst I have used the address provided by the appellant on their application form above, I note that a different address has been provided on their appeal form. For the avoidance of any doubt, I have proceeded to determine the appeal on the basis of the location plan provided on drawing ref: 1865/01 Rev B. This accurately identifies the appeal site.

Main issues

4. The main issues are:

   i) the effect of the proposal on the character and appearance of the area having regard to the design of the side extension and vehicular access;

   ii) the principle of development for the area having regard to the development plan policies and the adopted guidance for the area;

   iii) whether the proposed new dwelling would provide satisfactory living conditions for future occupants having regard to the internal floor area, layout, and the floor to ceiling heights;

   iv) the effect on the living conditions of occupiers of 104 Byron Road having particular regard to outlook and loss of light; and

   v) the effect of the proposed vehicular access on highway safety.

Reasons

Character and appearance

5. The appeal dwelling is a two-storey property set back from the highway. Whilst the area is characterised by uniform terraced housing and flatted development, 104 Byron Road has its own unique context which allows its attractive proportions and architectural details to be clearly appreciated from the street. These include its traditional brick bonding, bay window, window headers and chimney. The adjoining built form sited forward of no 104 is single storey, but the first floor is substantially recessed, with a roof form orientated at 90-degrees. As such, the frontage of no 104 retains a high degree of definition. To the south, is the car parking to the adjacent flats. This open aspect makes the development area visually prominent, whilst the high boundary wall mitigates the impact of the existing dilapidated flat-roof garages which lie to the side and rear of the property.

6. The proposed two-storey side extension would be sited flush with the front elevation of no 104 and would lack the architectural quality of the host building. Due to the flush frontage the scheme provides no subservience in its design. Furthermore, by choosing a design that attempts to match the scale and configuration of the existing building the failure to reflect the elegant proportions and fine detailing of the existing would result in the proposal appearing awkward and bland in comparison. The front elevation's ground floor fenestration would contrast with the proportion and position of the existing and other proposed openings. The rooflights would fail to align with the openings on the floors below, and none of the openings would be provided with the same header details. Furthermore, the proposal would occupy the whole width of the plot at a two-storey height, presenting a large and blank elevation to views when approaching from the south.

7. Therefore, the proposal would cause harm to the character and appearance of the area having regard to the design of the side extension. In this regard the proposal would conflict with Policies 7.4B and 7.6B of the London Plan March 2016 (LP); Policy CS1 of the Harrow Core Strategy, February 2012 (CS); Policy DM1 of the Harrow Council Development Management Policies, July 2013 (DMP); paragraphs 127 and 130 of the National Planning Policy Framework (the Framework); and the Council's Supplementary Planning Document: Residential Design Guide, Adopted 15 December 2010 (RDG). The aims of these policies and the guidance include the achievement of a high standard of design and layout.

8. However, I have no substantive evidence as to how the vehicular access would cause harm to the character and appearance of the area. Indeed, the Council's delegated application report acknowledges at section two, contrary to the decision notice, that if this were the only issue then a condition could have secured the final details of landscaping. I agree with the assessment within the delegated application report. Even so, this does not mitigate the harm I have previously identified in relation to the side extension.

The principle of development

9. In order to ensure that wider spatial planning objectives, such as the provision of affordable housing, are not jeopardised by the dispersal of housing across small garden land sites in the area, the Council has a policy presumption

against garden land development. The Council's Supplementary Planning Document: Garden Land Development, Adopted April 2013 (GLD SPD) provides further detail on the implementation of the policy and definitions.

10. Garden land includes front, side and rear gardens, outbuildings and any land that formed part of the garden, but which may have been physically severed. I have had regard to paragraph 3.3 of the GLD SPD which sets out what is not garden land, specifically item c. The appellant states that the garages have previously been in a commercial use. Whilst I note the appeal address, I have no evidence to substantiate that they are, or have been, lawfully used commercially and/or separately to the dwelling, such as to preclude them from the definition of garden land. Furthermore, I have had regard to the definition of garden land development, including the exemptions listed at paragraph 3.6 of the GLD SPD. However, the appellant has not provided evidence that these exemptions apply, and I have found conflict with the RDG. As such, the proposal would be a form of garden land development.

11. Therefore, the proposal would be contrary to the principle of development for the area having regard to the development plan policies and the adopted guidance for the area. In this regard the proposal would conflict with Policy 3.5A of the LP; Policy CS1 of the CS; Paragraph 70 of the Framework and the GLD SPG. These policies and the guidance seek to support the delivery of wider strategic housing objectives within the area.

Living conditions of future occupiers

12. Although the proposal has labelled one of the upper floor rooms as a study, it meets the adopted space standards[1] to be considered as a single occupancy bedroom. The appellant has provided no evidence for me to reach a contrary conclusion. As such, the proposal should be considered as a 3-bed, 5-person dwelling, over 3-storeys. The space standards require such units to provide 99 square metres of gross internal floor area. The proposal would be below this requirement. Indeed, I note it would be below the requirements for a similar five person dwelling over two-storeys. The shortfall would result in cramped and over confined living conditions for the future occupiers that could be expected in such a property.

13. Additionally, the layout of the unit, which provides the stairs at the front of the property would create habitable spaces that are likely to experience poor levels of natural light and cross ventilation. For example, the whole of the habitable ground floor space would be within one long room with a window at one end only.

14. The appellant has provided cross section plans that identify that the minimum floor to ceiling height requirements would be satisfied across the majority of the new dwelling. Furthermore, I find no reason to conclude that the provision of a bedroom within the existing attic space of no 104, unrelated to the accommodation beneath, would result in any planning harm subject to appropriate sound attenuation. The bedroom would have the majority of its floor space at least 2.3 metres high and would benefit from a dual aspect. However, these considerations do not mitigate the harm I have previously identified.

[1] The Mayor of London's Housing Supplementary Planning Guidance

15. Therefore, the proposal would fail to provide satisfactory living conditions for future occupiers having regard to the internal floor area and layout. In this regard the proposal would conflict with Policies 3.5C and 7.6B of the LP; Policy DM1 of the DMP; paragraph 127 of the Framework, the Mayor of London's Housing Supplementary Planning Guidance and the Council's RDG. The aims of these policies and the guidance is to achieve a high standard of living conditions for future occupiers of development.

Living conditions of 104 Byron Road

16. The existing dwelling currently has a small and enclosed courtyard garden at the rear. This provides the only outlook and natural source of light to the kitchen and dining rooms on the ground floor of no 104. The proposal would remove the garage structure at the side and rear and provide open back gardens. The replacement single-storey, flat-roof rear projection would be nominally higher but provide less enclosure. Over the existing, the proposal would enhance the outlook and levels of light for occupiers of no 104. Furthermore, I find that the proposal would enhance the property's garden.

17. Therefore, the proposal would not harm the living conditions of occupiers of 104 Byron Road having particular regard to outlook and loss of light. In this regard the proposal would comply with Policy 7.6 of the LP; Policy DM1 of the DMP and the Council's RDG. The aims of these policies and the guidance include achieving a high standard of living conditions for existing and future neighbours to development.

Highway safety

18. The proposed shared vehicle crossover would have a width of 4.5 metres. No objection was received from the highway officer as a matter of highway safety. The revised position and greater width would nominally improve pedestrian visibility as vehicles access and egress the site. Furthermore, the objection from the Council's Vehicle Crossing Officer does not substantiate any planning concerns or identify specific conflict with the Council's document, 'Your guide to applying for a vehicle crossing from September 2017' (vehicle crossing guide). In any event, I have no evidence of the planning status of the guide and afford it very limited weight.

19. Therefore, the proposed vehicular access would not harm highway safety. In this regard the proposal would comply with Policies DM1, DM23 and DM42 of the DMP and the vehicle crossing guide. The aims of these policies and the guide include achieving safe access to the highway for all users.

Other matters

20. The appellant has highlighted the accessibility of the site to services. Furthermore, the provision of an additional dwelling would add to the housing supply. I afford these matters some weight in my overall planning balance, however it is limited given that the proposal relates to only one dwelling.

Conclusion

21. I have not found harm in terms of highway safety. But this is a neutral consideration. I have identified some benefit from the provision of an additional dwelling in an accessible location and the enhancement to the living conditions of occupiers of no 104. However, even taken cumulatively, these do not

mitigate the harm I have found in relation to the principle of development, the character and appearance of the area, and the living conditions of future occupiers of the new dwelling. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR