

# Appeal Decision

Site visit made on 18 August 2020

**by S Dean MA MRTPI**

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

**Decision date: 28 August 2020**

---

**Appeal Ref: APP/M5450/W/19/3238661**

**47 Waghorn Road, Harrow, London HA3 9ET**

- 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 M Halai against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/1891/19, dated 24 April 2019, was refused by notice dated 6 August 2019.
  - The development proposed is described as “convert existing house into two flats”.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

1. Following the decision of the Council, the appellant has submitted amended drawings which show alterations to the internal and external layout of the proposal, intended to overcome the reasons for refusal. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the Wheatcroft Principles and the interests of fairness. I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision and on which parties were consulted.

## Main Issues

2. The main issues are whether or not the appeal proposal would provide i) suitable living conditions for future occupiers having regard to floor space, outlook, light and internal arrangement, and ii) sufficient accessible cycle parking for future occupiers.

## Reasons

### *Living conditions*

3. The appeal site is a previously extended single-family dwelling, with a parking area to the front, and a garden to the rear, adjacent to an access for other properties at the rear. The appeal proposal seeks to divide the property into two flats, one on the ground floor and the other on the first floor and into the roof space. At the time of my site visit, the ground floor was laid out as shown on the submitted drawings.

4. Policy, expressed in the London Plan 2016, the Harrow Core Strategy 2012, and the Harrow Council Development Management Policies, and supported by the Harrow Residential Design Guide Supplementary Planning Document (the SPD), the Technical Housing Standards – Nationally Described Space Standards 2015 (the Space Standards) and the Mayor of London Housing Supplementary Planning Guidance (the SPG), sets out minimum standards for internal floor space and quality of housing development, including conversions.
5. There is some disagreement between the Council and the appellant as to the number of bedrooms proposed in Flat 1. The application seeks permission for one bedroom, and the drawings show this. However, the Council has, as a result of its size treated the internal, apparently second dining room as a second bedroom. Having regard to the drawings which suggest a one-bedroomed flat would be provided with two dining rooms, the size of the innermost one and the provision of a parking space for that flat, I understand their reasons for doing so and agree with that approach. I have therefore determined the appeal on that basis.
6. There is a shortfall in the floor area of the double bedroom and the proposed storage space against these policy requirements. I acknowledge that these are both minor shortfalls, but am conscious that the space standards are minimums, and as such, I consider it appropriate to treat any shortfalls against them as unacceptable with regard to providing sufficient space of appropriate quality. The internal space for the second bedroom (labelled as “Dining”) meets the requirements of the standards.
7. As set out, I have treated the second dining room as a bedroom for the purposes of this appeal. As a result, its location below the lounge of Flat 2 would not provide the appropriate vertical stacking required by policy or those elements of the SPD and the London Plan which deal with quality of design and layout of residential accommodation. I note the proposed insulation between these rooms, but also that the Council does not consider insulation alone sufficient to mitigate against any noise or disturbance which could arise. In addition, as an internal room, this bedroom would only receive light from a rooflight. Whilst the level of light reaching the room appeared to be sufficient, and there is no suggestion that would not remain the case, the rooflight offers no outlook, and as a result, I do not consider that it would offer suitably high quality living conditions for future occupiers.
8. With regard to the total area of Flat 1, I acknowledge that there would appear to be a slight surplus of proposed floor area against the minimum requirement. However, in light of the specific shortfalls in the double bedroom and the storage space, as well as the lack of outlook provided for the second bedroom, I do not consider that Flat 1 would offer the quality of living conditions required by policy.
9. Turning to Flat 2, both bedrooms meet the floor space requirement of the policy. However, the overall floor area provided falls short of those requirements. Again, as the space standards set minimum requirements for internal floor space, I do not consider that the shortfall in overall floor area can be set aside in recognition of the bedrooms themselves meeting the internal space requirements.
10. I therefore consider that the proposal would not provide suitable living conditions for future occupiers having regard to floor space, outlook and

internal arrangement. It would therefore be contrary to Policy 3.5c of the London Plan 2016, Core Policy CS1.B of the Harrow Core Strategy 2012 (the Core Strategy) and Policy DM26 of the Harrow Council Development Management Policies, July 2013 (the DM Policies). Alongside the SPD, the Space Standards and the SPG, these policies seek, amongst other things, to ensure that development is of the highest quality internally, has adequately sized rooms, and provides a satisfactory standard of accommodation with particular regard to space, separation of uses, noise and outlook. The proposal would also conflict with the aims of the National Planning Policy Framework (the Framework) to achieve well designed places with a high standard of amenity for future users.

### *Cycle parking*

11. The appeal proposal seeks to provide space for cycle parking and bin storage in separate, allocated areas within the existing rear garden. However, it is unclear from the submitted drawings how these spaces are to be accessed. I note the submission of the appellant that access is possible via the gate at the side of the property. Whilst there was evidence of an existing gateway, given its location, this would only serve one of the proposed garden areas. The submission drawings do not show any additional gates into or even between these spaces, and as the Council notes, there is no compelling evidence to show that the side access is within the control of the appellant. As such, the cycle storage for both flats appears to be accessible only through the ground floor flat, and this would be neither practical nor desirable.
12. The proposal therefore fails to provide sufficient accessible, practical cycle parking for future occupiers and is contrary to Policy 6.9 of the London Plan 2016 and Policy DM42 of the DM Policies. These seek, amongst other things, to bring about an increase in cycling in London through the provision of secure, integrated, convenient and accessible cycle parking.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should be dismissed.

*S Dean*

INSPECTOR