

Appeal Decision

Site visit made on 9 September 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/M5450/W/20/3252242

7 Parkside Way, Harrow, Middlesex HA2 6DE

- 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 Sunil Lakhani against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4290/19, dated 27 September 2019, was refused by notice dated 8 January 2020.
 - The development proposed is described as “demolition of the existing garage, erection of part single/two storey extensions to side and rear and conversion into 4 flats with all associated parking and external works”.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The appellant has submitted amended plans¹, specifically a floor plan showing adjustments to the internal layout, an amended site plan and details of a bike locker.
3. The Procedural Guide: Planning Appeals – England² clearly advises that the appeal process should not be used to evolve a scheme and “if an applicant thinks that amending their application proposals will overcome the local planning authority’s reasons for refusal they should normally make a fresh planning application”.
4. The changes appear to be minor in nature but I am aware that the plans have not been subject to public consultation through the application process. With regards fairness and natural justice and having regard to the Wheatcroft³ principles, in light of the minor changes proposed I consider that the Council or other interested parties would not be prejudiced if I considered the amended plan. Thus, my findings relate to the scheme shown on the amended plans.
5. The main issues are the effect of the proposed development on:
 - i. the character and appearance of the area
 - ii. the living conditions of future occupiers, with particular regards to internal floor space and private outside space.

¹ SV/539/P/05 Rev A, SV539/P/02 Rev A & SV539/P/08

² Procedural Guide: Planning Appeals – England (2019): Annexe M – Can a proposed scheme be amended?

³ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

Reasons

Character and Appearance

6. The appeal property is a detached dwelling under a gable roof with a front facing gable and two storey curved bay window, a style and appearance that is typical of the area. The property occupies a position on the street close to a road junction and curve in the road, thereby creating a prominent position.
7. The appeal scheme would result in the construction of substantial extensions to the existing detached property and subdivision to accommodate four flats. The proposed extensions would wrap around the sides and rear of the property, including both single and two storeys. While I note that the scheme would comply with parts of the guidance set out in the Residential Design Guide SPD (the SPD), nonetheless the extensive cumulative scale and bulk of the various extensions would overwhelm the host property, largely eliminating the existing space between neighbouring properties and thus harming the character and appearance of the area contrary to guidance set out in the SPD.
8. The front garden of the property is shown on the submitted plans as being dominated by the proposed carparking and bin storage for all four flats which would harm the character and appearance of the area. I note that the existing front of the property has been given over to hardstanding for car parking and ad-hoc bin storage and that this also has a negative impact on the character and appearance of the area.
9. The amended plans show some soft landscaping, to screen the bins and car parking. While limited space is available and few details have been provided, the appellant states that the bins would be accommodated within an enclosure and I note that the inclusion of additional landscaping could soften the otherwise hard appearance of the appeal scheme.
10. Nonetheless the appeal scheme would accommodate 4 flats and thus the site would be more intensively used than a single dwelling and the harmful effect of the extensive carparking and storage of multiple bins on the character and appearance of the area would be increased proportionally.
11. The appellant has provided various examples of other properties that have undergone a variety of extensions. These do not persuade me as to the acceptability of the appeal scheme and in any event each proposal is determined on its own merits.
12. For the reasons detailed above I find that the appeal scheme would harm the character and appearance of the area contrary to Policies 7.4 and 7.6 of the London Plan, Policy CS1 of the Harrow Core Strategy, Policies DM1 and DM26 of the Harrow Development Management Policies Local Plan and the provisions of the SPD which seek new development to be of a high standard of design that has regard to the context of the development.

Living Conditions

13. The appellant acknowledges that flats numbered 2 and 3 fall short of the minimum space standards set out in the London Plan and the SPD and that flats 1 and 4 do not provide double bedrooms. The latter matter is resolved by alternations made in the amended plans.

14. The short fall in floor space for flats 2 and 3 is not large. However, the layout of the flats is complicated and the angled walls to the bathroom and kitchen of flat 3 and the bedroom and kitchen of flat 2 reduces the usability of the space that is available. I further note that the necessary internal storage, would further reduce the internal space. As such I find that the shortfall in internal space is material and subsequently the proposal would fail to provide adequate living conditions for future occupiers of the appeal scheme.
15. In response to the Council's reasons for refusal, the appellant's amended plans subdivide the rear garden affording the occupiers a degree of privacy. However, the standard of the individual gardens being of compact form, also accommodating cycle parking, and bound by 1.8m high close boarded fences would be poor and the potential for overlooking of the garden, identified on the submitted plans for flat 1, by the occupiers of flat 4 has not been resolved.
16. As a result, I find that the proposed development would not provide adequate living conditions for future occupiers contrary to Policy 7.6 of the London Plan, Policy CS1 of the Harrow Core Strategy, Policies DM1 and DM26 of the Harrow Development Management Policies Local Plan, the Mayor of London's Housing Supplementary Planning Guidance and the provisions of the SPD.

Other Matters

17. The appellant did not provide any details for cycle parking/storage within the plans submitted to the Council. The amended plans provide details of cycle storage boxes to be located within the allocated garden space for the flats and I am satisfied that the provision of cycle parking could be subject of a suitably worded condition attached to any planning permission resulting from this appeal.
18. That the appeal site is within an area identified by the Council as being at risk of surface water flooding is not at dispute between the parties. As such, the Council requests that Emergency Planning Information be provided to future residents. I am satisfied that a suitably worded condition could be attached to any permission resulting from this appeal requiring the provision of such information.
19. The appeal scheme would create additional dwellings in an accessible location. This is a material consideration that weighs in favour of the proposal and I afford it some weight but does not outweigh the harm I have previously identified.

Conclusion

20. The appeal is dismissed.

Mark Brooker

INSPECTOR