



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: 18 November 2020

Appeal Ref: APP/M5450/W/20/3251830 30 Tavistock Road, Edgware HA8 6DA

- 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 T Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0512/20, dated 3 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is described as the conversion of single dwelling into two flats (1 x 2 bed and 1 X 1 bed); retrospective front porch; alterations and extension to roof to form end gable; rear dormer; two rooflights in front roof slope; single storey rear extension; external alterations; parking; separate amenity space; boundary treatment; bin / cycle storage.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. Part E of the appeal form states that the description of development has not changed, even though an alternative description has been entered. This matches the description of development on the Decision Notice. I have used this description of development because it more accurately and concisely describes the development proposed.
3. The main issues are the effect of the proposed development on:
 - i. the character and appearance of the area, including the existing dwelling.
 - ii. the living conditions of future occupiers with particular regards internal space of flat No.2.

Reasons

Character and Appearance

4. The appeal property is a two-storey semi-detached dwelling situated in a predominantly residential area within which properties of a similar age and style predominate. The area is characterised by the open spaces between pairs of semi-detached dwellings and the front gardens, although often given over to car parking, creates an intrinsically open and suburban character and appearance to the area.

5. The proposed dormer roof extension is shown on the submitted plans as occupying almost the full extent of the rear roof plane, with a minimal gap from the ridge line and eaves. The dormer is shown as being almost flush with the roof of the adjoining property with a small gap only to a newly created gable end of the property, that in turn significantly reduces the sense of space and separation to the neighbouring property. The result would be a visual appearance at odds with the traditional character of the host property and an awkward juxtaposition with the adjacent dwelling.
6. My attention has been drawn to other properties in the area that have already been extended in a similar manner to that proposed here. At my site visit I saw that these are very much in the minority and I do not know the circumstances of those cases or the policies that applied at the time of their consideration. In any event, those that I saw did not alter my view regarding the visual effect of the appeal scheme.
7. As such, I find that the proposed dormer window would have a significant adverse impact on the character and appearance of the appeal property and the surrounding area in conflict with policies 7.4B and 7.6B of the London Plan, policy CS1.B of the Harrow Core Strategy, DM1 of the Development Management Policies Local Plan (DMP). Together these policies seek development of high-quality design that is respectful of the local character and appearance.

Living Conditions

8. Policy 3.5 and the associated Table 3.3 of The London Plan (TLP) and policy DM26 of the Harrow Council Development Management Policies (2013) (DMP) require new housing to be of the highest quality by providing adequate internal space and an environment that would provide satisfactory living conditions for its occupiers.
9. In respect of flat No.2, to be set over the first and second floors, table 3.3 details the minimum floor space required as being 70sqm for a 2 bed 3-person property and 79sqm for a 2 bed 4-person property.
10. The submitted plans are annotated to refer to flat no.2 as being 70sqm but it is not clear how this figure was arrived at. The Council identifies that the appeal scheme falls short of the required space standard, providing only 63sqm, some limited details as to how this figure was arrived at are detailed in the Officer's report.
11. Furthermore, I note that no precise details of the internal layout of the flats have been provided. As such, no internal storage or that the second bedroom is suitable for a single person only has been shown. In practice, it is an entirely possible outcome that the second bedroom would be used as a double bedroom and this would be outside of planning control.
12. I also note that a significant proportion of the second-floor bedroom would not have a floor to ceiling height of at least 2.3 metres. Note 3 to table 3.3 requires that at least 75% of the gross internal area of the dwelling to have a floor to ceiling height of 2.3 metres. Furthermore, a height of "2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space".

The submitted plans show that no part of the second-floor bedroom would benefit from a floor to ceiling height of 2.5m.

13. For the reasons detailed above I find that it has not been demonstrated that the proposed development would provide adequate living conditions for future occupiers with particular regards internal space of flat No.2. In this respect this proposal would conflict with Policy 3.5 of the London Plan and policy DM26 of the DMP.

Other Matters

14. The appellant states that a fall-back position exists by virtue of a Certificate of Lawfulness (P/3450/16), which confirms "that the roof extensions are permitted development". This is not disputed by the Council per se, but it is noted that the permitted development rights only apply to a residential dwelling, not to the property should it be converted to flats.
15. However, the appellant clearly states their intention would be to carry out the works and then seek to convert the property to flats. Consequently, there is a greater than theoretical possibility that such a development would take place.
16. In this instance the effect of the roof alterations and extensions would be very similar to that proposed here, but no worse. Consequently, while this fallback position is a material consideration that weighs in favour of the appeal scheme, it does not outweigh the harm I have identified previously.

Conclusion

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

Mark Brooker

INSPECTOR