



Appeal Decision

Site visit made on 5 November 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/M5450/W/20/3252162

Land South of Anmer Lodge, Stanmore HA7 4EB

- 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 Design Collect Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5253/19, dated 17 December 2019, was refused by notice dated 25 February 2020.
 - The proposal is the development of a five-storey building to provide 302sqm commercial office space (Use Class B1a), nine residential dwellings (Use Class C3), undercroft parking, refuse and cycling storage and landscaping.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Design Collect Ltd against the Council of the London Borough of Harrow. This is the subject of a separate decision.

Main Issues

3. The main issues are whether the proposal would:
 - i) provide suitable living conditions for future occupants, having particular regard to the proposed pedestrian access; and
 - ii) make efficient use of the site, having regard to the housing mix and the requirements of local policy.

Reasons

Living conditions

4. The appeal proposal would redevelop an existing car park to the rear of a parade of commercial units. The site forms part of a broader area in use as a car park, much of which already benefits from planning permission for redevelopment. Access to the proposal would be provided in two ways. Vehicular access would be provided from the existing access road to the car park and to the rear of the commercial properties. However, the principal pedestrian access would be provided via an existing footpath that provides access to Buckingham Parade and the commercial units associated with it.

5. The footpath is bounded by the flank elevations of No 12 Buckingham Parade and Burnell House. These are tall and imposing buildings and as a consequence, the gap between them is proportionately small. Due to their height, depth, and the narrow gap between them, the buildings dominate the footpath, creating an imposing sense of enclosure. In addition, the adjacent buildings do not provide windows at ground floor level. Instead, Burnell House has a tall ground floor eaves height with no visual relief and No 12 Buckingham Parade has windows at first floor level. Accordingly, the footpath benefits from very limited natural surveillance. Due to the sense of enclosure and the lack of natural surveillance, the footpath is not a welcoming space and, in this regard, I note the comments from the Metropolitan Police in relation to violent crime and anti-social behaviour in the area.
6. The proposal would seek to make improvements to the footpath and has undergone an iterative approach in this regard. This would include improved landscaping, and the use of lighting, signage, and CCTV. Such interventions would soften the environment. However, they would not alter the dominant sense of enclosure provided by the two adjacent buildings. In addition, in the absence of the proposed development overlooking the footpath, they would not improve the natural surveillance of the space.
7. I note that the footpath already provides access for refuse and cycle storage areas for adjacent residents and that it also already provides access to the car park beyond. However, simply because the route is already used does not make it conducive to increasing its intensity. Even in an enhanced form, the footpath would be a narrow space between two imposing buildings with very little natural surveillance. As a consequence, the opportunities that it could provide for anti-social behaviour and other crime would not be satisfactorily reduced and the nature of the space would remain unwelcoming and uninviting for pedestrians. Accordingly, increasing the likely footfall would not be conducive to creating a safe and secure environment for future residents. This is a matter of fundamental concern to which I attach significant weight.
8. My attention has been drawn to perceived similarities with other development proposals in close proximity to the appeal site. However, it is apparent that the pedestrian access point is materially different to the Notting Hill scheme. That entrance is wider and is flanked by lower buildings and therefore the environment it would create would be demonstrably different. I do not have the full details of the Stanmore House access before me. Therefore, although I note the narrow pedestrian footpath, I am unable to give weight to any similarities. Finally, the London Borough of Redbridge Supplementary Planning Document is noted but this relates to a different borough and accordingly, I do not find it relevant to the appeal before me.
9. I also note that the proposal would provide an alternative pedestrian access. However, this would relate poorly with the existing vehicular access and service road, leaving pedestrians vulnerable and exposed to vehicular movements and the consequent safety concerns. Accordingly, it does not satisfactorily compensate for the shortcomings that I have identified above.
10. The appeal site is undoubtedly previously developed land that is located in a highly sustainable location and I note that the Council have raised no additional objections to the built form and site layout. I also have no reason to believe that the proposal would not generally relate well with the adjacent consent. All

of these matters weigh in favour of the proposal, indeed, as required by the National Planning Policy Framework (the Framework), I attach substantial weight to the value of using such land. However, for the reasons identified above, the proposal would fail to provide a safe, secure and appropriate accessible environment for future residents, which in my view, would give rise to significant and demonstrable safety concerns. This is a matter to which I attach a significant level of weight, and which outweighs the value of using previously developed land.

11. Accordingly, I conclude that the proposal would fail to provide suitable living conditions for future occupants. It would therefore fail to comply with Policies 3.5, 7.1, 7.3, 7.4 and 7.6 of the London Plan (2016), Policy CS1 of the Harrow Core Strategy (2012) (CS), Policies DM1, DM2, and DM22 of the Harrow Development Management Policies Local Plan (2013) (DMP), and guidance contained within the Residential Design Guide (2012) Supplementary Planning Document, and the Mayor's Housing Supplementary Planning Guidance (2016)(SPG). Taken together, these seek amongst other things, high quality development that creates safe, secure and appropriately accessible environments.

Housing mix

12. The appeal proposal would provide nine apartments and as a consequence, it would not trigger the requirements of Policy CS1 of the CS, which relates to proposals of 10 or more houses. Despite this, the Council raise concerns that due to the mix of the proposed apartments, as well as their proposed floor areas, the proposal could be reconfigured to provide more apartments and therefore, a commensurate level of affordable housing provision.
13. The mix of the proposed accommodation would provide 5 x 2 bed apartments, 3 x 3 bed apartments, and 1 x 1 bed apartment. In addition, many of the proposed apartments would exceed the minimum space standards required by local policy.
14. As identified by both parties, the appeal site is located in a highly sustainable location and as a consequence, it is the view of the Council, that the site would lend itself to a different housing mix with more smaller units. Despite this, their assertion has not been supported by information in relation to specific housing need in terms of size of units and proposed tenure. I do not doubt that a different internal configuration would enable a greater number of units to be provided which may facilitate some affordable housing. However, in the absence of substantive evidence, I have no reason to agree that it would be a necessary provision.
15. The Framework encourages the effective and efficient use of land. In this regard, the proposal would redevelop an area of previously developed land to provide both residential and commercial accommodation. In addition, the accommodation proposed would meet, and in some instances, exceed required floor areas. Accordingly, I have no reason to consider that the accommodation provided would not be of a high quality.
16. I am required to assess the appeal against the evidence presented before me, and on this basis, despite the perceived shortcomings of the Council, I have no compelling evidence before me to suggest that a different mix would be necessary in terms of housing need. I therefore conclude that the proposal

would make efficient use of the site and would therefore comply with Policies 3.11 and 3.13 of the London Plan (2016), Policy CS1 of the CS, Policy DM24 of the DMP, and guidance contained within the SPG, the Mayor's Affordable Housing SPG (2017), and the Planning Obligations and Affordable Housing Supplementary Planning Document (2013). Taken together, these establish affordable housing targets and thresholds and seek a housing mix which contributes to the creation of inclusive and mixed communities.

Other Matters

17. The proposal would make a small but useful contribution to local housing supply. In addition, it would bring with it economic benefits including the creation of new jobs and inward investment into the local economy. These matters weigh in favour of the proposal but do not outweigh the fundamental concerns that I have identified above.

Conclusion

18. I have found that the proposal would provide an acceptable housing mix that would contribute to local housing supply. This attracts some moderate weight in favour of the proposal. However, I have also found that the proposed pedestrian access would fail to provide a safe, secure and appropriately accessible environment. Accordingly, it would not provide suitable living conditions for future occupants and this is a matter to which I attach significant weight, and which outweighs the benefits of the proposal.
19. Accordingly, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR