



Appeal Decision

Site visit made on 5 January 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/M5450/W/20/3258315

5 Weald Lane, Harrow HA3 5EU

- 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 Hiten Rabadia against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1835/20, dated 1 June 2020, was refused by notice dated 28 July 2020.
 - The development proposed is conversion of dwelling into four self contained dwellings, single and two storey rear extension, single storey side extension, landscape works at front and rear, amenity areas, bins and cycle stores.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - Whether the proposed development would provide adequate living conditions for future occupiers; and
 - The affect of the proposed development upon the character and appearance of the area.

Reasons

Living conditions for future occupiers

4. The appeal site is a two storey detached property with a relatively long rear garden. It is located within a residential street a short distance from the town centre and neighbours a flatted development with parking and amenity space to the rear.

5. I note that the side window serving flat 1's kitchen/dining and living area would be obscurely glazed. I find that the obscure glazing would result in an unduly oppressive layout with limited outlook. Notwithstanding the bay window and the dual aspect the unit would not benefit from adequate natural light or outlook due to its depth and layout. The elongated nature of the unit and lack of light and outlook would not provide future occupiers with adequate living conditions.
6. I acknowledge that flat 4 would open out to the rear and would include windows in the side elevation. However, outlook and light from the side windows would be limited due to its close proximity to the flank wall of the neighbouring property. The central part of the unit containing the living space would not benefit from adequate natural light or outlook due to the unit's depth and layout. Overall, the elongated nature of the unit and lack of light and outlook would not provide future occupiers with adequate living conditions.
7. Whilst single aspect outlook and open plan layouts may be a common arrangement for flats, in this particular instance it would not justify the harm that I have identified.
8. There is disagreement between the parties regarding the internal floor area of Flats 3 and 4 and whether they accord with the Nationally Described Space Standards. Notwithstanding the Council's comments there is no credible evidence before me to dispute the appellant's case that the flats accord with the standards. Based on the evidence before me I find that the flats would not result in a cramped or poor standard of living for future occupiers in this regard.
9. The Council does not specify a minimum standard for amenity space. However, Policies DM26 and DM27 of the Development Management Policies Local Plan (2013) (DMPLP) support the provision of amenity space, preferably through the subdivision of the existing garden into private amenity spaces for each home. Although the policies do not preclude the provision of communal space.
10. The proposed development would provide private amenity areas in the rear garden for the ground floor units and communal amenity space for the first floor units all accessible within the site boundary. The private amenity areas in terms of size and shape would be adequate for future occupants in accordance with guidance set out in the Mayor of London's Housing SPG. The areas would be enclosed creating a safe and secure environment and ensuring adequate privacy for future occupiers of the ground floor units. In addition, the communal amenity space would be generously sized and would be a usable space for future occupiers. Taking into account the modest size of the units the use of the amenity spaces would not be unduly intensive, in my view.
11. I conclude that due to the intensive internal subdivision resulting in limited outlook and light the proposed development would not provide adequate living conditions for future occupiers contrary to Policies 3.5C, 3.8A, 7.4B and 7.6B of the London Plan (2016), Policies D4 and D6 of the Draft London Plan – Intend to Publish (2019), Policies CS1.B and CS1.K of the Harrow Core Strategy (2012) and Policies DM1 and DM26 of the DMPLP which, amongst other things, require housing developments to be of the highest quality internally and externally, seek convenient and efficient room layouts which are functional and fit for purpose, developments that are adequate in terms of light and outlook

within buildings and do not support proposals that lead to an over-intensive conversion of properties.

12. It would also not accord with guidance set out in the Harrow Residential Design Guide SPD and the National Planning Policy Framework.

Character and appearance

13. The communal refuse and recycling bins would be sited in one corner of the front area. During my site visit I observed bins positioned in the front areas of many houses and flats in the surrounding area. Irrespective of their size I am satisfied that the proposed bins enclosed within a timber box, discreetly positioned and screened by the proposed wall and planting would not appear as an incongruous feature and would not unduly harm the character and appearance of the area.
14. Whilst the Inspector in respect of the previous appeal¹ found that the formation of 4 private amenity spaces would be contrived and poor quality, I am satisfied that the subdivision of the rear garden area as proposed would not be inappropriate and would not detract from the character and appearance of the area.
15. I conclude that the proposed development would not adversely affect the character and appearance of the area. It would accord with Policy DM27 of the DMPLP which, amongst other things, requires new developments to make adequate arrangements for the storage and collection of waste and recycling and provide appropriate amenity space.

Other Matters

16. The site is located within an area near to a town centre and accessible by different means of transport including by foot and public transport in the form of bus services and nearby railway stations. I acknowledge that the proposed development would make a more efficient use of land, be energy efficient and lifetime homes. I also note that it would incorporate appropriate landscaping and would not harm the living conditions of existing nearby occupiers. However, these factors are not sufficient to outweigh the harm that I have identified.
17. I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments would still result in a proposal that would be harmful.

Conclusion

18. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR

¹ APP/M5450/W/19/3221993