
Appeal Decision

Site visit made on 16 February 2021

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/M5450/W/20/3259249

21 and 23 London Road, Stanmore, HA7 4PA

- 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 Wax against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1635/20, dated 15 May 2020, was refused by notice dated 10 July 2020.
 - The development proposed is to replace 21 and 23 London Road with a new residential building comprising of 9 flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The applicant included a brief description of development included in both the application and appeal forms. The Council in its decision letter used a fuller version describing the proposal as, 'Redevelopment to provide two storey building with habitable roof space and basement comprising of 9 flats (4 x2 bed and 5x1bed); parking; bin store; landscaping (demolition of Nos. 21 and 23 London Road)'. As I consider that the fuller description used by the Council more accurately describes the proposed development, I have determined the appeal on the basis of this.
3. The appellant submitted plans when the appeal was lodged designed to address the Council's concerns over ceiling heights and storage. Whilst the overall height of the scheme would not differ from that originally applied for it is unclear whether these changes necessitate further changes to the scheme. Given the extent of concerns raised by third parties, I consider that consultees are not in a position to consider the revised plans. Accordingly, I have decided to discount these drawings and have determined this appeal on the basis of the drawings considered by the Council in its decision letter.
4. The Council's decision letter includes reference to an emerging policy in the draft London Plan – 'Intend to Publish' version 2019. At the time of writing the Secretary of State has approved this draft subject to some policy changes which do not affect the policy referred to. The Mayor intends to adopt the current draft and accordingly I accord its policies considerable weight.

Main Issues

5. The main issues are the effects of the proposals on:

- the character and appearance of the local area
- the living conditions of neighbouring occupiers
- the living conditions of future occupiers of the proposed flats by reason of loss of outlook, daylight, stacking arrangements and internal design
- waste disposal and storage provision.

Reasons

Character and appearance

6. London Road is a broad avenue with belts of trees separating the main carriageway from access roads on either side which serve detached residential properties. The properties on the south side of the road around the appeal site, are of an interwar design characterised by stucco elevations, pitched roofs, gable fronts and cat slide roofs. Individual properties are generally set neatly within their flank boundaries and with front building lines in a slight stagger along London Road. The rear of both properties is characterised by extensions and patios which due to the landform are set above the gardens.
7. The proposed scheme would involve the redevelopment of the appeal site involving a single building of 4 floors (lower ground, ground, first and second). The inclusion of an atrium, deeply set back from both the front and rear elevations, together with the set back of the scheme from its flank boundaries, would have the effect of breaking up the frontage of this single building with the effect of 2 detached residential properties in keeping with the area's existing character.
8. The elevational treatment of each side of the proposed frontage would be 'handed' and whilst the appeal scheme would have a distinct identity in the streetscene, the form of development would broadly adhere to the general design principles of the existing properties along this part of London Road.
9. Despite these design features which impact on the streetscene, the form of the proposed building involving its 'crown' roof and its depth into the rear garden would be at variance with the established character of the area. Although the development of a lower ground floor would take advantage of the land form and extend the property to around the same depth of the existing patios, two floors would be developed above this. As they would share the same rear building line this would result in a significantly larger development than the prevailing pattern of the surrounding properties. For this reason, the appeal scheme would be dominant when viewed from surrounding properties and for this reason would adversely impact on the area's character and appearance.
10. Given the size of this scheme the proposals would conflict with policies 7.4B and 7.6B of the London Plan, Policy D1 of the 'Intend to Publish' London Plan 2019, Core Policy SCS1B of the Harrow Core Strategy 2012, Policy DM1 of the Harrow Development Management Policies 2013 and the adopted SPD Residential Design Guide.

Living conditions of occupiers of neighbouring properties

11. The proposals include flank windows serving a range of rooms. The scheme includes the completion of these windows in obscured glazing. This would be a satisfactory solution to prevent overlooking to the neighbouring properties. If I

were minded to allow this appeal, it is a matter which could be controlled though condition. However, this form of mitigation does raise other issues which I have identified in the next section of this decision letter.

12. Although the Council estimate that the development of 9 flats could result in 26 people living at the site, I do not consider that the Council's concerns over the potential for disturbance would prejudice the living conditions of the occupiers of neighbouring properties.
13. I conclude on this main issue that the scheme would not prejudice the living conditions of the occupiers of neighbouring properties. The proposal would not conflict with Policy 7.6 of the London Plan, Policy DM1 of the Harrow Development Management Policies Local Plan 2013 and the adopted SPD Residential Design Guide 2010.

Living conditions of future occupiers of the proposed scheme

14. The proposed scheme includes shortcomings which fail adopted policy and guidance in several respects.
15. The proposed accommodation comprises 9 No.1 and 2 bedroom flats. On plan the floorspace of each of the proposed flats accords with both the National Housing Standards¹ and those included in the guidance² issued by the London Mayor. However, the Mayors Guidance advocates that floorspace is required to have a floor to ceiling height of at least 2.5m for at least 75% of the total area of each flat designed to address the London 'heat island' effect.
16. Whilst I accept that the Mayor's housing standards are only guidance, I regard their adherence in a new build scheme, as necessary, in order to protect the living conditions of its occupiers. For this reason, the floorspace of several flats would not be of sufficient size and would adversely impact on the living conditions of the future occupiers.
17. A single window serving one bedroom in flat 3, would face directly onto the flank wall of the neighbouring property. Whilst I acknowledge that this window serves a bedroom it is still important that sufficient daylight and outlook is allowed. Furthermore, the appellant intends to complete this window in obscure glazing to address the potential loss of privacy to the neighbouring property. This would further serve to reduce the amount of daylight to each room and diminish completely the outlook from them.
18. The proposed stacking arrangements between several of the flats, whilst not ideal could be adequately addressed through sound insulation.
19. I conclude on this main issue that the internal design of the scheme would prejudice the living conditions of future occupiers of many of these flats. The proposal would conflict with Policies 3.5C and 7.6B of the London Plan 2016³, policy DM1 of the Harrow Development Management Policies local Plan 2013, the Mayor of London Housing SPG, and the Council's Supplementary Planning Document Residential Design Guide 2010.

¹ Nationally Described Space Standards 2015

² London Housing Supplementary Planning Guidance 2012

³ The London Plan consolidated with Alterations since 2011, 2016

Arrangements for waste disposal

20. The scheme includes refuse storage on either side of the forecourt to the building. As the requisite bins could vary from 2 standard bins per flat or up to 10no. 360 litre containers it is important that an area of sufficient size can be located within the site. The Council has indicated that an area at the frontage of the property is not acceptable.
21. Although many of the forecourt areas are used for parking few are used for the storage of waste bins. The development of 9 flats in this site would require a large area on the frontage. This would be a feature at variance with the neighbouring properties and would not be something which through a planning condition could be adequately screened, if I were minded to allow this appeal.
22. For these reasons I conclude on this main issue that the proposed waste storage would conflict with Policy 7.6B of the London Plan 2016⁴, policy DM1 and DM45 of the Harrow Development Management Policies local Plan 2013, and the adopted Residential Design Guide SPD 2013.

Conclusion

23. I acknowledge that the proposal represents a revised scheme from that which has been refused recently. Whilst individually many of the scheme's conflicts with adopted policy and standards may be acceptable it is the combination of failures against policy which make this appeal scheme unacceptable. This is not appropriate for a new build scheme and demonstrates that this is an overdevelopment of the site. For the reasons stated above the appeal is dismissed.

Stephen Wilkinson

INSPECTOR