The Planning Inspectorate

Appeal Decision

Site visit made on 23 February 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st April 2021

Appeal Ref: APP/M5450/W/20/3254816
26 Butler Avenue, Harrow HA1 4EH

- 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 Senghani (NO 12 investments Ltd) against the decision of the Council of the London Borough of Harrow.
- The application Ref P/5151/19, dated 12 December 2019, was refused by notice dated 14 February 2020.
- The development proposed is the conversion of the existing residential dwelling into 4 self-contained flats comprising 3 studios and 1 one bed unit and a single storey rear extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended plans and details show the clarification of proposed flat sizes, the number of persons to be accommodated within the flats, a changed forecourt layout and detail, and the correction of plan inaccuracies. For the sake of clarity, the proposal is for 3 studio and 1 one-bedroom flats. An appeal on the same site was recently dismissed which was for 2 studio and 1 upper floor 3-bedroom flats. Within this decision, the reasoning will be similar to this appeal decision where there is a similarity of the matters to be considered. However, I have considered this proposal on its particular planning merits.

3. The London Plan (LP) 2021 was adopted on 2 March and supersedes the London Plan 2016 (with Consolidated Alterations since 2011). Both main parties were consulted over this plan change and in this case, LP Policy D6 is relevant now instead of previous LP design policies.

Main Issues

4. The main issues are the effects of the proposal on (a) the living conditions of the future residents of the flats, having regard to internal space provision and defensible space, and (b) the character and appearance of the area, having regard to frontage waste/recycling and bike storage provision.

Reasons

Living conditions

5. Policy DM 26 of the Harrow Development Management Policies (DMP) 2013 indicates that proposals for flat conversions will be supported where they

provide a satisfactory standard of accommodation. Under this policy, proposals will be further required to comply with the LP 2016 minimum space standards (which has now been superseded by LP 2021). New LP Policy D6 requires all housing development to be of high quality design and provide adequately-sized rooms, with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1 which sets out minimum space standards, Gross Internal Areas (GIA). These are further set out in the LP Housing Supplementary Planning Guidance (SPG) 2016 and the Council's adopted Supplementary Planning Document (SPD): Residential Design Guide 2010.

6. The proposal would sub-divide an existing two storey mid-terraced house with loft conversion and rear dormer above, and would provide a single storey extension to the rear of it. Studio flats are proposed on the ground floor and for each unit, the submitted details shows these to be one person. Nevertheless, each of the bedrooms would be of a size capable of comfortably accommodating beds for two persons. In this regard, the rooms would be greater in size than that set out for a double bedroom in the minimum space standards.

7. Furthermore, it has not been demonstrated that these ground floor units would be studio accommodation. There is no definition before me but studio units would be expected to have open internal residential spaces (apart from WC and bathroom facilities) to make up for their limited size. The units would not exhibit these characteristics because the single bedrooms would be separated from the kitchen/dining/living spaces by a corridor and its position on the other side of a bathroom/WC. For all these reasons, the studio description of these flats is not appropriate, and the units would be attractive to 2 persons. Based on the GIA, the occupants would have restricted space to carry out everyday living needs, such as for relaxation, eating and storage on account of the restricted layout, size and internal design. This is borne out by the GIA being significantly below the relevant LP space standard.

8. For the first floor flat, the amendment confirms a 1 person rather than 2 person flat. However, its bedroom would be spacious and capable of accommodating beds for 2 persons and therefore, the application of a 2 person 1 bed flat space standard is required. There is a dispute between the main parties as to its GIA figure. However, the appellant's higher figure is based on calculations based using the RICS Code of Measuring Practice, 6th Edition, May 2015. On the balance of evidence, the appellant's figure has been robustly derived and is more persuasive. Accordingly, the GIA would comply with the space standard for 1 bedroom 2-person dwelling, taking into account storage requirements, and the future occupants' internal living conditions of this flat would be acceptable.

9. Within the roof, there would be a kitchen/dining/living/bedroom space within a loft studio. This flat's GIA, open layout and bedroom size would comply with GIA space standard and expected requirements of a studio flat, even after considering storage requirements. Submitted details show adequate head height in accordance with policy. On this basis, future occupants of this studio flat would have satisfactory living conditions.

10. Flats, referred to as studios, have been permitted in Vaughan Road in West Harrow and Grand Avenue in Wembley. Such units would have separate bedrooms and doors to other living areas. Consistency in decision-making is material. Nevertheless, the mere fact that these similar developments have been granted planning permission is not persuasive if no reasoning has been provided by parties on the acceptability of the provided internal living conditions. At Vaughan Road, there would also be limited scope for the single bedroom to accommodate two persons due to its size. Additionally, the issue, of whether the flats would be studios, was not considered by parties based on the information before me. Inevitably proposals will differ from one another in their circumstances, policy assessment and overall planning balance, and every proposal has to be considered on its particular planning merits as has been done so here.

11. As to defensible space, the ground floor units' bedrooms would be separated from the bin storage and cycle storage area by a hedge. Views out of these windows would be mainly above the bins and cycle storage facilities and such areas would not be in constant use and thus, defensible space would not be adversely compromised.

12. In summary, there would be harmful internal living conditions for the future occupants of the ground floor flats. Accordingly, the proposal would conflict with Policy CS1 of the Harrow Core Strategy (CS) 2012, Policies DM 1 and DM 26 of the DMP and Policy D6 of the LP. Similarly, the proposal would also conflict with the advice of the Council's SPD and the LP SPG.

Character and appearance

13. There would be refuse/recycling bins and cycle storage provided on the frontage. CGI images further show the frontage appearance of this arrangement with hedging surrounding it.

14. The Council has indicated that further bins would be required for general waste and recycling. The appellant has suggested no such need because the bins could be shared between the smaller residential units. However, even if this was possible, the numbers of bins and their functional appearance would still result in a cluttered and unsightly frontage. Such an adverse impact would be further increased if residents of the ground floor units opted for garden waste bins which would add to this visual intrusion.

15. The Council's refuse and collection code indicates larger single communal general waste and recycling bins could be used. Whilst such bins would reduce clutter, they would be unsightly by reason of their size and bulk on a terraced residential property frontage.

16. An appeal was allowed for flats at Oxford Road in Harrow. However, the site layout plans do not show bike storage provision on the frontage and therefore, the Inspector did not consider the combined effect of bin and bike storage provision. At Grand Avenue, permission was granted for flats where a communal bin store was detailed which would have less volume than that proposed here. However, the development has a more extensive frontage, that wraps around the front and side of the building and it is unclear whether both general refuse, recycling and garden waste needs were considered and assessed. Consequently, there are material differences between these

developments and the proposal before me. In any case, every proposal has to be considered on its own particular planning merits.

17. For all these reasons, the development would harm the character and appearance of the area, having regard to waste and bike storage provision. Accordingly, the proposal would conflict with Policy CS1 of CS, Policies DM 1, DM 26 and DM 45 of the DMP and Policy D6 of the LP.

Other matters

18. Greater waste/recycling/garden waste storage and bike cycling provision, if required, could have been secured by planning condition. However, this would not address the adverse effect of such provision on the character and appearance of the area. The living areas, including bedrooms, would be stacked one above the other but the Council has not disputed the appellant's evidence that suitable acoustic insulation could be provided. There is no reason why a planning condition could not prevent any adverse noise transmission between floors and harm to future residents' living conditions.

Planning Balance

19. The development would boost housing supply and future residents would have good access to facilities and services, including public transport, shops and local parks. These benefits would weigh in favour of the proposal.

20. However, there would be harm to the living conditions of the future occupants of the flats and the character and appearance of the area. Within the context of overall housing needs, the net increase of dwellings would be small. The harm to living conditions and character and appearance would be permanent and significant for the reasons indicated. Therefore, the proposal would not accord with the development plan and there are no other considerations to outweigh that finding.

Conclusion

21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR