



Appeal Decision

Site visit made on 21 May 2021

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/M5450/W/20/3263949

Sivak Accountancy Ltd, 454 Alexandra Avenue, Harrow HA2 9TL

- 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 SPSP Properties Ltd, Mr S Sivakanthan, against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1736/20, dated 22 May 2020, was refused by notice dated 11 August 2020.
 - The development proposed is conversion of B8 storage unit into a two 1 bedroom flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There would seem to be a typing error on the application form but the description has been altered on the decision notice to the change of use of storage unit (Use Class B8) to two flats (2 x 1 bed) (Use Class C3); external alterations. This is a more accurate description of development and so I have based my assessment on it.
3. The Council and the appellant state that the appeal site is within a Conservation Area and adjacent to a Listed Building. The appellant has produced a Heritage Statement but the Council has not submitted a plan of the Conservation Area and details of the adjacent former Odeon Cinema, a Listed Building, are referred to in the Heritage Statement only; details of the listing has not been submitted. Whilst I am mindful of the statutory duty to consider the effect on a Conservation Area or Listed Building under the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal was not refused due to its effect on a heritage asset but on matters relating to industrial floor space and living conditions of future occupiers of the flats. In the absence of evidence to the contrary, I have assessed the proposal on the basis of the two issues I have raised only.
4. The decision notice refers to the Mayor of London Housing SPG (2016) and the Council's adopted Supplementary Planning Document Residential Design Guide (2010). Despite requests for these documents the Council has not submitted them and so I have assessed this appeal without any further reference to them and on the information submitted only together with my observations on site.

Main Issues

5. I consider that the main issues are the effect of the change of use on (1) the loss of industrial floor space; and (2) the living conditions of future occupiers of the flats.

Reasons

Industrial Floorspace

6. Whilst the address of the appeal site is Alexandra Road and the accountancy office is accessed from this road, the storage unit is accessed from Rayners Lane to the rear. This comprises of a roller shutter entrance to a modest area of floorspace, used as a garage at the time of my site visit, and two other doorways, with security roller shutters, providing access to separate areas of space. Internally the space has been altered and it is difficult to see how it could provide meaningful industrial floorspace other than for very modest storage purposes.
7. The 2016 London Plan and the 2019 Draft London Plan have now been replaced by the 2021 London Plan¹ and Policy E4 establishes that a sufficient supply of land and premises in different parts of London should be provided and maintained to meet the current and future demands for industrial and related functions.
8. Core Strategy Policy CS1 (O)² indicates that the Council will monitor and manage the Borough's business and industrial premises to meet economic needs. the Council state that the release of surplus stock for other uses will follow a sequential approach ranging from non-allocated site to allocated sites within strategic industrial locations. However, the Council has indicated that it is not in a position to lose industrial land whether it is allocated or not³. Development Management Policy DM 31 (C) and (D)⁴ indicates that, having regard to Policy CS1 (O), the loss of industrial and business land and floorspace will only be permitted where it can be demonstrated that the site is no longer suitable and the site has been marketed without success. When the Council are satisfied on this matter, a sequential approach to redevelopment will be followed.
9. The appellant has submitted a statement stating that the site has been marketed to friends, families and business acquaintances but those that have seen the property have found it to be unsuitable. This is due to the internal division of the site and its levels having a street level and upper floor and a basement. I saw for myself that the levels within the building do not easily lend themselves to meaningful storage spaces and even with further internal alterations, the internal space would have its limitations.
10. Whilst I acknowledge the Council's position to manage industrial floorspace and note that the Council consider that this unit could provide affordable space for a small business, it is clear from viewing the property that this could only make a very modest contribution to meet B8 storage needs in the Borough. Given the scale of this property and its limitations, I do not consider that its loss would

¹ Mayor of London The London Plan – The Spatial Development Strategy for Greater London, March 2021.

² Harrow Core Strategy February 2012.

³ The Council's Officer's Report quotes the West London Economic Land Review (2019) and the London Industrial Land Study (2017).

⁴ Harrow Council Development Management Policies July 2013.

undermine the Council's policies or requirements to meet the Borough's business and industrial needs. Although a full marketing exercise has not been carried out, I do not consider that the proposal would conflict with the objectives of the London Plan or the Council's policies CS1 or DM 31 above. I therefore find no harm on this issue.

Living Conditions

11. The proposal would involve converting the property into two, one-bedroom flats with accommodation on a lower ground floor, ground floor and first floor. A lightwell would be incorporated into the design. The internal arrangement would be an awkward one and the levels and space provided would result in two units of accommodation where natural light and privacy were compromised. The overall arrangement would be unsatisfactory and generally of a poor standard.
12. Development Management Policy DM1 establishes the requirement for a high standard of development, including, privacy and amenity considerations. I do not consider that the proposed two flats can be accommodated within this building whilst ensuring an acceptable level of privacy and amenity. It would therefore conflict with this policy and be harmful to the living conditions of future occupiers.

Conclusion

13. Whilst I have found that no harm would arise from the loss of B8 storage space, I have found that the proposed change of use to two flats would result in a standard of accommodation that would be harmful to the living conditions of future occupiers, contrary to Development Management Policy DM1.
14. I have considered all other matters raised but none alter my conclusion. I conclude that the loss of industrial floor space would not be of a scale to have a harmful effect on provision for B8 storage space in the Borough but the effect on the living conditions of future occupants of the flats would be harmed. On this basis the proposal is unacceptable and therefore the appeal fails.

J D Clark

INSPECTOR