



Appeal Decision

Site Visit made on 10 June 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/M5450/W/21/3268639

2 Paulhan Road, Kenton, Harrow HA3 9AR

- 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 B Hirani against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3736/20, dated 19 October 2020, was refused by notice dated 6 January 2021.
 - The development proposed is front porch, part single/two storey side and rear extension and conversion of new side extension into studio flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the determination of the planning application, the Mayor of London had published a new Plan, The London Plan (March 2021) (LP). I have sought comments from the main parties with regard to this matter and I have taken their responses into account in my decision, where these have been provided.
3. During the course of the appeal, the Government published the National Planning Policy Framework 2021. I have sought comments from the main parties with regard to this matter but no responses have been received. I have therefore proceeded on that basis.
4. The description of development set out in the banner header above is taken from the application form. The Council's decision notice refers to the proposal as the conversion of the dwelling into two units (1 x studio & 1 x 3 beds); single and two storey side to rear extension; single storey rear extension; front porch; external alterations; separate amenity space; bin/cycle storage (demolition of detached store and rear canopy). I consider the Council's description fully and more clearly indicates that the proposal is for conversion of the existing dwelling into two dwellings with the proposed extensions and porch required to facilitate that. I note that the appellant has used the same description in the appeal form and this is the basis upon which I have reached my decision.

Main Issues

5. The main issues are:
 - whether the proposal would provide adequate living conditions for future occupants, with particular regard to the provision of outdoor space;

- the effect of the proposal on the character and appearance of the area; and,
- whether the proposal provides adequate refuse and recycling storage and cycle storage.

Reasons

Living Conditions

6. 2 Paulhan Road is an end of terrace house located on the corner with Kenmore Road. Due to its position within the street the appeal property has a short wedge shaped rear garden and a larger wider garden to the front.
7. The proposal by virtue of the projection of the single storey rear extension into the rear garden would significantly reduce the already limited outdoor space. Policy DM26 of the Harrow Council Development Management Policies July 2013 (DPP) requires adequate amenity space to be provided but does not set a minimum area. Policy D6 of the LP sets out minimum space standards for outdoor areas where there are no higher local standards in the borough Development Plan Documents.
8. Although both proposed rear gardens would exceed the requirements of LP Policy D6 in terms of space, it is important to consider the quality of the spaces that would be created. The rear garden to the proposed studio flat would be separated from the remainder of the garden requiring some form of boundary treatment. This would need to be of sufficient height and solidity to ensure appropriate levels of privacy are maintained between the two proposed rear gardens. As a result, the rear garden for the studio flat would feel significantly enclosed as well as being in shadow for large parts of the day, given the orientation of the appeal site. This would create a cramped and uninviting environment that would make the area unpleasant to use, resulting in poor living conditions for the future occupants of the proposed flat.
9. The proposed garden for the three bed dwelling would be larger than the garden to the studio flat. However, it would be awkwardly shaped and would, as a consequence, result in an area that would be impractical and unpleasant to use when considering the size of the dwelling that it must serve.
10. In light of the above, the proposal would result in the formation of two poor quality external areas. In reaching this conclusion, I am mindful that private rear gardens are commonly used for occupants to sit out in, for children to play in and as an area for washing to be put out to dry. For the reasons I have set out above, the proposed rear gardens would not be adequate for these uses.
11. I conclude that the proposal would fail to provide adequate outdoor space for the future occupants of the proposal. There would be conflict with Policies DM1, DM26 and DM27 of the DPP. In summary, these seek to ensure that proposals achieve a high standard of amenity and indicate that proposals that fail to provide appropriate amenity space will be refused. There would also be conflict with LP Policy D3, which amongst other matters, seeks to ensure that developments deliver appropriate amenity. The proposal would also conflict with the objectives of the Supplementary Planning Document Residential Design Guide December 2010 (SPD) and the overarching aims of the National Planning Policy Framework (the Framework).

Character and Appearance

12. The rear gardens of properties in the locality are generally long and rectangular, although corner properties such as the appeal site have smaller wedge shaped gardens to the rear. The proposal would, for the reasons I have identified, result in the subdivision of the existing rear garden into two much smaller spaces. As a consequence, the proposal would appear as a cramped and incongruous form of development in comparison with its surroundings and would fail to respect the prevailing character and appearance of the area. Although the character and appearance of the area is not formally protected, the proposal would nevertheless be harmful for the reasons I have identified.
13. I conclude, therefore, that the proposal would result in harm to the character and appearance of the area in conflict with Policy CS1 of the Harrow Core Strategy February 2012 (CS) and DPP Policies DM1 and DM26. In summary, these policies require development to respond positively to local context and character and to achieve a high standard of design and layout. The proposal would also conflict with LP Policy D3 which, amongst other matters, requires proposals to positively respond to local distinctiveness. There would also be conflict with the SPD, which states that the design and layout of new development should recognise the character of the area, as well as the overarching aims of the Framework.

Storage

14. There is space between the proposed two storey side extension and the side boundary of the appeal site, beyond the side door to the studio flat, where refuse and recycling storage to serve that dwelling could be provided. The appellant has indicated this location in his appeal statement and there is no compelling evidence before me to indicate that refuse and recycling could not be stored here.
15. However, it is unlikely, given the wedge shaped form of this area and the narrow nature of the access along the front part of the proposed side extension, that cycle storage could be provided to the side of the proposed studio flat. Moreover, given the size of the proposed rear garden and the fact that cycles would have to be brought through the dwelling to reach that area, storage is only likely to be possible in the front garden.
16. The Appellant indicates that cycle storage would be in the form of a lockable store, although no details for such a structure are before me. Nevertheless, it is likely that the provision of a suitably designed and scaled cycle store within the front garden area, given its size, could be accommodated without detriment to the streetscene and harmful to the character and appearance of the area.
17. In reaching this conclusion, I am mindful that the appeal site benefits from a vehicle cross over serving an area of hardstanding. However, the application form states that the site does not have any existing vehicle/cycle parking spaces or that the proposed development will add/remove any parking spaces. As such, I have proceeded on the basis that no off-street vehicle parking would be provided under the proposal and, as such, there would be sufficient space for cycle storage to be provided to the front of the studio flat.
18. The Council suggest that the provision of secure cycle storage could be controlled by planning condition in the event that the appeal is allowed. A

similar condition could be applied in respect of refuse and recycling storage. In conjunction with my findings above, this would enable these elements to be provided without causing harm to the character and appearance of the area.

19. I conclude that the proposal would provide sufficient space for the provision of refuse and recycling storage and cycle storage. The proposal would accord with CS Policy CS1 and DMP Policy DM26 with regards to the provision of bin storage and addressing waste and LP Policy T5, which states that development proposals should help remove barriers to cycling. These facilities could be provided without causing harm to the character and appearance of the area and so the proposal would accord with CS Policy CS1, DPP Policy DM1 and LP Policy D3. The proposal would also accord with the objectives of the SPD with regard to refuse and cycle storage and the overarching aims of the Framework.

Other Matters

20. The proposal would add to the borough's housing stock. However, there is no evidence before me regarding the current position of the Council's housing land supply. Moreover, the proposal would result in a net contribution of a single additional dwelling. As such, any benefits associated with the proposal are likely to be limited. I therefore attribute only limited weight to this matter and do not consider that it outweighs the harm that I have identified.

Planning Balance and Conclusion

21. The proposal would provide adequate space for the provision of both refuse and recycling storage and secure cycle storage. However, as proposed development is required to provide such facilities these are neutral factors in my overall considerations.
22. The proposal would fail to provide adequate living conditions for future occupants with regards to the provision of outdoor space and would result in harm to the character and appearance of the area. I attribute significant weight to these matters.
23. I have taken account of the fact that the proposal would contribute to the borough's housing stock. However, any benefits that may result from the proposal would be limited given the quantum of development proposed. These benefits therefore would not outweigh the harm that I have identified.
24. The harm that would be caused would result in conflict with the development plan and I must determine applications in accordance with the development plan unless material considerations indicate otherwise. I have found no such material considerations.
25. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR