



Appeal Decision

Site visit made on 13 July 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Appeal Ref: APP/M5450/W/20/3244229

Land behind 62/63 Masons Avenue, Land Adjacent to Warehouse, Harrow, HA3 5AN

- 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 OPM Property Services Ltd against the decision of London Borough of Harrow
 - The application Ref P/2703/19, dated 02 August 2019, was refused by notice dated 02 October 2019
 - The development proposed is 'Outline application for layout, scale, and appearance for: Four storey building comprising of a house in multiple occupancy (HMO) for up to 24 persons (amended description)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application; I have utilised the amended description.
3. The London Plan 2021 (LP 2021) was published on 1 March 2021 and is now part of the Development Plan. The Council's decision notice referred to the previous London Plan. I am satisfied that the equivalent policies in the new plan have broadly the same approach as their counterparts, and they do not alter my conclusions on the matter in any case. The latest reviewed version of the National Planning Policy Framework (The Framework) was published on 20 July 2021. The main parties were invited to comment on its policies.

Main Issues

4. The main issues are:
 - The principle of development; specifically, the change of use of the land resulting in the loss of land in active industrial and business use,
 - The effect of the proposal on the character and appearance of the surrounding area,
 - The effect of the proposal on the living conditions of occupants of neighbouring property,
 - Whether the proposal would provide adequate standards of living accommodation for future occupiers of the development, including

whether the proposal would make sufficient secure and convenient provision for cycle storage; and,

- Whether the proposal adequately addresses flood risk, including its effect on the infrastructure of a main river.

Reasons

Principle of development- Industrial and business land supply

5. The appeal site is located close to residential and industrial land uses and it is within land which the Development Plan has designated as Locally Significant Industrial Land (LSIL). The site is presently in active use for parking associated with the industrial units nearby. Policy E4 of the LP 2021 divides London's land and premises for industry, logistics and services into three categories; Strategic Industrial Locations (SIL), Locally Significant Industrial Sites (LSIS) and Non-Designated Industrial Sites. Policy E4 further requires that the retention of additional industrial capacity across the three categories is monitored, planned and managed. Policy E6 of the LP 2021 requires local authorities to plan for and monitor LSIS.
6. Policy CS10 of the Harrow Core Strategy (CS), adopted 2012, requires that the Borough's stock of business and industrial premises will be monitored and managed, and the release of any surplus stock will be considered in accordance with a sequential approach. This approach prefers release of non-allocated sites, poorer quality sites not within strategic locations, other allocated sites not within strategic industrial locations, and other allocated sites within strategic industrial locations. The appeal proposal is not, within the sequential approach, a site which should be released for other uses before other sites and the Appellant has not demonstrated that, following the sequential approach, the land should be released for uses other than industrial and business use. Moreover, the land is currently in use for parking; a function which facilitates the wider industrial use and, in the absence of evidence to the contrary, likely contributes to the viability of the wider industrial land use.
7. Whilst the appeal scheme would contribute to the Borough's wider housing supply targets, the loss of the land for industrial use has not been justified and is not outweighed by the limited benefit arising from a 24 person HMO.
8. For these reasons, the proposal is contrary to policies CS10 of the CS, DM31 of the Harrow Development Management Policies Local Plan (DMP LP), adopted 2013, Policy AAP15 of the Harrow and Wealdstone Area Action Plan (APP), adopted 2013, policies E4 and E6 of the LP 2021 and the Framework.

Character and appearance

9. The appeal site is located between a two-storey residential terrace which fronts Mason's Avenue and the industrial estate behind it. There is a notable transition in the spatial arrangement from the looser grain of large industrial units to the tight grain of residential terraces. The appeal scheme would introduce a large building between these two areas and would appear as a cramped and dominant overdevelopment which would encroach within this transition area. The building would appear out of place with surrounding scale, massing, and architectural characteristics. Whilst some denser, larger scale redevelopment and densification is visible from the appeal site as part of the

wider townscape, the appeal proposal would not integrate with, or appear part of, that clearly spatially planned development.

10. For these reasons, the proposal is contrary to policy CS1B of the CS, policy DM1 of the DMP LP, policies AAP3 and AAP4 of the AAP, related Supplementary Planning Guidance, policies H16, GG2, D1, D3 and D4 of the LP 2021 and the Framework. These policies seek, amongst other things, high quality development which responds to existing character.

Living conditions- Occupants of neighbouring property

11. The appeal proposal would introduce a large three-storey building close to the rear elevation of the modest two-storey residential terrace fronting Masons Avenue. The proposed building would have a catslide green-roof which would slope away from the terrace from single-storey to the full three storey height. Whilst it is acknowledged that its height at its highest point would match the height of the adjacent industrial unit, the very steep roof gradient would fail to mitigate the overall height, mass and significantly closer siting of the building to the terrace. The proposed building would have a dominant, overbearing effect on the living conditions of the occupants of the modestly sized terrace. Moreover, the height and proximity of flank wall window openings with the rear gardens of the terrace would have an unacceptable detrimental impact on the privacy of occupiers of those residential properties.
12. For these reasons, the proposal is contrary to policies DM1 and DM30 of the DMP LP, AAP4 of the AAP, related Supplementary Planning Guidance, policies D3, D4 and D6 of the LP 2021 and the Framework. These policies seek, amongst other things, high quality development which delivers appropriate outlook, privacy and amenity and achieves indoor and outdoor environments that are comfortable and inviting for people to use.

Living conditions- Future occupants of the development

13. Although the internal floorspace within each of the units may meet the minimum standards, the steeply sloping roof configuration would likely impinge on the useability of large proportions of that space for several of the units. Moreover, the windows serving the units would overlook the private rear gardens of the terrace, which would create an uncomfortable relationship between the residential properties and a limited quality of outlook for the proposed units. Further, the proposal does not include any designated outside or indoor amenity space for occupiers or integrated secure cycle storage; the expectation being that cycles would be stored within the bedrooms.
14. For these reasons, the proposal would provide poor quality living conditions for future occupiers of the development, contrary to policies DM1, DM28, DM30 of the DMP LP, Policies AAP 4, AAP13 of the AAP, policies D1, D3, D4, D6 and H16 of the LP 2021, and the Framework. These policies seek, amongst other things, minimum quantitative and qualitative housing standards.

Flood risk and river infrastructure

15. The appeal site is located within Flood Zones 2 and 3, and it is identified within surface water flooding areas. The site is therefore at the highest risk of flooding. It is also located close to a main river culvert (The Wealdstone Brook). The Framework requires a sequential, risk-based approach is taken to the location of development and it should be ensured that flood risk is not

increased elsewhere. The appeal is not accompanied by a site-specific flood risk assessment. It has not been demonstrated that there are overriding reasons to prefer the proposed location of this vulnerable development, that development would be appropriately flood resistant and resilient, that the proposal incorporates sustainable drainage systems, that residual risk can be safely managed, that safe access and escape routes are included, nor that the development would not interfere with the main river infrastructure. The Appellant states that there has been no impact up to the present time, however, the development would be sited within identified flood zones, would amount to a material change in local circumstance, the proposed residential use is particularly vulnerable to flooding and it has not been demonstrated that the proposed development would not increase the risk of flooding elsewhere.

16. For these reasons, the proposal is contrary to the Framework and policies CS1U, CS1V of the CS, policy DM0 of the DMP LP, policy AAP9 of the AAP and policies SI 12 of the LP 2021. These policies seek, amongst other things, to manage flood risk.

17. Conclusions

18. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan as a whole. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR