



Appeal Decision

Site Visit made on 6 September 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2021

Appeal Ref: APP/M5450/W/20/3262798

59 Graham Road, Harrow HA3 5RP

- 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 Ms Pearl Lestrade-Brown against the decision of London Borough of Harrow.
 - The application Ref P/2777/20, dated 10 August 2020, was refused by notice dated 14 October 2020.
 - The development proposed is described on the application form as: 'Erection of 2no. houses adjacent to 59 Graham Road frontage on Whitefriars Avenue'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as stated on the Council's Decision Notice as opposed to that given on the application form. This is because it correctly sets out that a two-storey building comprising two flats (the building) is proposed to the rear of the appeal property.
3. Since the determination of the application that is now the subject of this appeal, a revised version of the National Planning Policy Framework (the Framework) was published in July 2021. The main parties to this appeal have had opportunities to comment upon any relevance of this publication to the outcome of this appeal. I note here that a new London Plan (the London Plan) was published in March 2021. Due to the limited implications of this for the determination of this appeal, I have not considered it necessary to specifically seek the respective views of the main parties.

Main Issues

4. The main issues are:
 - Whether or not the proposal would satisfactorily accord with the Council's spatial strategy for growth;
 - The effect upon the character and appearance of the area;
 - Whether or not acceptable living conditions for future occupiers of the development would be provided, having particular regard to the intended internal living arrangements at ground floor and to the intended makeup of the external amenity area to serve first floor occupiers;

- The effect upon the living conditions of adjoining residential occupiers, having particular regard to privacy, light and outlook; and
- Whether or not sufficient information has been provided to demonstrate that adequate cycle storage, refuse storage, amenity space and landscaping would be provided on-site.

Reasons

Spatial strategy for growth

5. Core Policy CS1 of the Harrow Council Core Strategy (2012) (the Core Strategy) sets out that the Harrow and Wealdstone Intensification Area will be the focus for regeneration and indicates that growth throughout the rest of the Borough will be directed to town centres and strategic previously developed sites. The same policy specifies that garden development will be resisted.
6. The Garden Land Development Supplementary Planning Document (April 2013) (the Garden Land SPD) has been prepared to support the implementation of the Core Strategy in respect of garden land development. It clarifies that garden land means any land within the curtilage of a building the principal use of which is residential. The definition of garden land includes, amongst other aspects, the gardens of houses, the gardens of properties converted to flats, any land that formed part of a garden now legally and/or physically severed from the donor property, and any hardstandings, outbuildings or other structures located on the garden land.
7. In terms of what should not be considered garden land, the Garden Land SPD lists specific types of land. These include gardens within the curtilage of commercial premises, any land that historically formed part of a garden but which now has another lawful use and which has not reverted to have a garden use, and communal parking courts and garage blocks within the curtilage of housing estates and purpose-built blocks of flats.
8. It has been suggested that, due to the past existence of garages upon the site, the land under consideration should not be considered garden land as defined through the Garden Land SPD. In support of the appellant's case an Ordnance Survey Plan dated 1961-1965 (the historic map) has been submitted, which can be interpreted to indicate the past existence of four garages to the immediate rear of No 59 Graham Road (No 59). In addition, an historic planning permission dated 26 March 1962 for the conversion of No 59 to two self-contained flats and the erection of two garages has been provided. This permission is conditioned to require that the then existing garages be demolished within three months of the commencement of works.
9. There were no clear or obvious signs of past garage development upon my inspection of the appeal site, which was overgrown and offered constrained opportunities for access to be obtained. Nevertheless, sufficient evidence has been provided to offer a suitable degree of assurance that garage structures once occupied a part of the site.
10. It is not my role here to identify the existing lawful use of any particular area of land. Even so, I find that it has not been robustly substantiated that a separate non-garden use of the entirety of the land now intended to accommodate the proposed development was historically established and thereafter retained. This is even when acknowledging the references that have

been made to the former garages being 'lock-up' facilities and to the rear portion of the site once being in separate ownership to No 59.

11. Indeed, the historic map indicates that the former garaging may have occupied only a relatively small portion of the appeal site. Furthermore, when planning permission was granted in 1962 to convert No 59 to self-contained flats, this was on the basis that the whole of the site then under consideration be used exclusively for domestic purposes.
12. For the above reasons, in the absence of clear and persuasive evidence to the contrary, the proposal would involve garden development and thus fail to satisfactorily accord with the Council's spatial strategy for growth. The scheme conflicts with Core Policy CS1 of the Core Strategy, the Framework and the Garden Land SPD in so far as these policies and guidance set out that growth will be managed in accordance with the Council's Spatial Strategy and that garden development will be resisted.

Character and appearance

13. The appeal property is detached and served by a large rear outrigger that I understand incorporates self-contained flatted accommodation. The site is located at the corner of Graham Road and Whitefriars Avenue. Graham Road is addressed by linear residential development to both of its sides and properties tend to be similarly designed. Notwithstanding the existence of several tightly defined terraced plots positioned to the opposite side of Whitefriars Avenue relative to the site, residential properties located close to the site are typically served by rear garden spaces of generous and broadly consistent lengths. Thus, whilst a Cultural Centre abuts the site's rear, the area can be observed to have a relatively formal and somewhat spacious residential character and appearance.
14. The newly proposed building would be set down in height when compared to both No 59 and the Cultural Centre and would mirror the height of Whitefriars Avenue properties situated opposite. Even so, the building would appear as a prominent and substantive addition to the rear of a linear row of frontage development. Whilst separation distances would be achieved to both of its flanks, the building would abut, to its immediate rear, the site's north-eastern boundary. This arrangement would be uncharacteristic of the local pattern of development and promote that the proposal appear cramped and discordant with its surroundings.
15. Thus, for the above reasons, whilst I have no concerns to raise with respect to the detailing and architectural features intended to the front-facing elevation and note that some elements of new planting could be secured via planning condition should the appeal be successful, the proposal would cause harm to the character and appearance of the area.
16. The scheme conflicts with Core Policy CS1 of the Core Strategy, Policy DM1 of the Harrow Council Development Management Policies (July 2013) (the DMP), Policies D1 and D4 of the London Plan, the Framework and the Harrow Council Residential Design Guide Supplementary Planning Document (December 2010) (the Design Guide) in so far as these policies and guidance require that all development and change of use proposals must achieve a high standard of design and layout.

Living conditions – future occupiers

17. The London Plan, through Policy D6, requires housing developments to meet minimum internal space standards for new dwellings. A one-storey dwelling containing two bedrooms and three bed spaces is expected to provide a 61 square metre gross internal floor area, including 2 square metres of built-in storage. Furthermore, any two-bedspace double bedroom must have a floor area measuring at least 11.5 square metres.
18. The main parties dispute whether or not the 61 square metre standard would be met by the proposed ground floor flat, with the discrepancy likely to be linked to different interpretations of the relevant plan's scaling. Nevertheless, whilst it has not been clearly illustrated by the Council how a shortfall was calculated, my own assessment has indicated that the standard would be met. I am also content that appropriate built-in storage arrangements would be provided. Even so, neither of the ground floor flat's bedrooms would meet the 11.5 square metre standard required to be met by one of these rooms. For the avoidance of doubt, an en-suite bathroom does not count towards the calculation of bedroom space.
19. I am satisfied that a suitably sized and useable external space would serve the proposed first floor flat. Indeed, the details of intended boundary and surface treatments could be secured via planning condition should the appeal be successful. Any concerns that a scheme of boundary treatment would lead to undue crime/security issues arising have not been clearly substantiated.
20. I have identified that an adequate gross internal floor area and appropriate built-in storage would be achieved for the ground floor flat, and that the intended makeup of the external area to serve first floor occupiers would be appropriate. However, owing to the limited size of each of the bedrooms intended at ground floor, unacceptable living conditions for future occupiers of the ground floor flat would prevail. I thus identify harm.
21. The scheme conflicts with Policy DM1 of the DMP, Policies D3 and D6 of the London Plan, the Framework, the Housing Supplementary Planning Guidance (March 2016) and the Design Guide in so far as these policies and guidance require that the assessment of privacy and amenity considerations will have regard to the adequacy of the internal layout of buildings in relation to the needs of future occupiers.
22. For the avoidance of doubt, Policy DM26 of the DMP is of limited relevance to my considerations. This is because it applies to conversion projects as opposed to new-built schemes. I also do not identify conflict with Policy DM27 of the DMP as it applies specifically to amenity space, and appropriate amenity space would be provided.

Living conditions – neighbouring occupiers

23. The building would be positioned such that it would have a close physical relationship to neighbouring residential accommodation located within the plots occupied by No 57 Graham Road (No 57) and No 59. The building's rear elevation would run the common boundary to No 57, which is a property that has been converted into flats. A limited separation distance to the north-west facing rear elevation of No 59's rear outrigger would be achieved. The

outrigger, at first floor, contains a rear facing opening of generous size (the first-floor window) that I understand serves a habitable internal space.

24. Given the orientation of the site and notwithstanding the intended two storey height of the building, I am satisfied that the proposal would not result in any undue overshadowing or loss of natural light for adjoining occupiers. It is also the case that the rear elevation of the building would not contain any openings and both proposed windows to the south-east facing flank elevation would be obscure-glazed and serve en-suite areas. This glazing specification could be secured by condition should the appeal be successful, and I do not consider that overlooking or perceived overlooking resulting in adverse privacy impacts would occur.
25. However, owing to the building's intended position directly to the rear of existing built form on the site and the limited separation distance, the development would result in an undue loss of obtainable outlook from the first-floor window. Indeed, the building would be of full two storey height and have an overbearing effect upon the occupiers of the residential unit served by this window.
26. The building would be setback only a short distance from the external space to be retained on-site for existing occupiers of No 59 and the rear outrigger. This is a constrained space already part surrounded by two-storey built form, such that the development would have a harmful enclosing effect upon the extent of outlook available. Furthermore, as the building would run the common boundary with No 57 for a not insignificant length without any setback or separation, the proposal would inevitably have a visually intrusive influence upon how users of the external area situated to the rear of No 57 would experience this space.
27. For the above reasons, whilst I have found the scheme to be acceptable in light and privacy terms, the proposal would cause harm to the living conditions of adjoining residential occupiers having particular regard to outlook. The proposal conflicts with Policy DM1 of the DMP and with the Design Guide in so far as this policy and guidance requires that the assessment of privacy and amenity considerations will have regard to the visual impact of development when viewed from within buildings and outdoor spaces and to the adequacy of outlook within buildings (habitable rooms and kitchens) and outdoor spaces.

Cycle storage, refuse storage, amenity space and landscaping

28. Designated external amenity spaces and refuse/cycle storage facilities are depicted upon the submitted ground floor plan. Full details of the precise specification of the storage facilities could be secured via planning condition should the appeal be successful. Indeed, the external areas of the site are of sufficient expanse to suitably accommodate such facilities in addition to some elements of soft landscaping.
29. For the above reasons, sufficient information has been provided to demonstrate that adequate cycle storage, refuse storage, amenity space and landscaping would be provided on-site. The proposal accords with Policies DM1 and DM42 of the DMP in so far as these policies require the provision of a satisfactory quantum and form of amenity space for future occupiers of residential development and the number of cycle spaces to meet or exceed minimum London Plan standards.

Other Matters

30. I have noted objections/concerns raised by interested parties with respect to matters including parking and the effect upon the living conditions of the occupiers of Nos 55 and 55A Graham Road. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
31. In terms of the scheme's benefits, two additional residential units are proposed and the Framework reaffirms the Government's objective of significantly boosting the supply of homes. Nevertheless, two additional units would not make a clear or noticeable difference to the Borough-wide housing supply situation and is a benefit that attracts limited weight. The contributions associated to the proposal would be modest and would not outweigh the various harms and associated policy conflicts that I have identified.
32. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

33. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR