
Appeal Decision

Site Visit made on 26 October 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal Ref: APP/M5450/W/21/3266661

238 - 244E Streatfield Road, London HA3 9BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Nishel Patel against London Borough of Harrow.
 - The application Ref P/3513/20 is dated 25 September 2020.
 - The development proposed is a two storey rear extension at first floor and second floor levels, mansard roof addition with dormer windows, reconfiguration of existing seven residential units above the shops in association with creating 15 new flats (2 x 3 bed, 10 x 2 bed and 3 x 1 bed) together with use of the rear flat roof of the existing ground floor extensions as amenity space and provision of cycle storage and refuse storage.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Applications for costs

2. An application for costs was made by Mr Nishel Patel against the London Borough of Harrow. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued an Officer Report which sets out their unissued recommendation for refusal of the application, including proposed reasons. I have framed the main issues and my reasons in this Decision around this.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - effect of the proposal on the living conditions of occupiers of adjoining properties with specific regard to their outlook, any overbearing effect and privacy,
 - whether the proposal would provide suitable living conditions for future occupiers with specific regard to the quality of accommodation provided, and
 - whether the proposal would provide suitable cycle and refuse storage.

Reasons

Character and appearance

5. The appeal site lies on the edge of a commercial centre and is of a height and scale consistent with the other buildings in that centre. It is adjacent to, and taller than a pair of semi-detached dwellings which mark the transition from a commercial to residential area.
6. I note suggestions that the mansard roof proposed here has previously been found acceptable by the Council. However, to my mind, that additional height would make the host building appear uncharacteristically tall when compared to the other buildings in the commercial area. This effect would be heightened by the increased disparity between the site and the adjacent semi-detached houses.
7. Notwithstanding the comments of the Council and appellant, I also note that there are no other similar, mansard roof forms in the immediate area, which to my mind would add to the incongruity of the proposal, over and above the increased additional height.
8. I have considered carefully the width and depth of the extensions proposed to the rear of the site with specific regard to the character and appearance of the area. Given their limited visibility, and the current mixed and somewhat piecemeal appearance of the rear of the site, I do not find that the proposed rear extensions would be harmful to the character and appearance of the area as a result of their width and depth.
9. However, as I have found that the overall appearance and additional height of the proposal would be so incongruous as to be harmful to the character and appearance of the area, I find that the proposal is contrary to Policy D1 of the London Plan 2021, Policy CS1.B of the Harrow Core Strategy 2012 (the Core Strategy), Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (the Local Plan) and supplementary planning document guidance on design.

Living conditions of occupiers of adjoining properties

10. In considering the effect of the proposal on the living conditions of occupiers of adjoining properties with specific regard to their outlook, any overbearing effect and privacy, I note that at present, the appeal site is already to the rear of, taller and deeper than the adjacent semi-detached houses. As a result, the site already has an effect on outlook, has a somewhat overbearing effect, and the informal and varied use of the rear of the site for access and external space already has an effect on privacy.
11. However, the increase in height and depth of the proposal, immediately adjacent to the neighbouring property itself, and along the garden boundary would increase the effect of the proposal on the outlook from adjoining properties and the overbearing effect which would be felt both inside and outside. Whilst I acknowledge that these properties are south-facing and any effect on light would be minimal, given the relative scale of the proposal and its neighbours, I find that the effect would still be unacceptable.

12. Turning to privacy, as noted, a degree of overlooking is already possible as a result of the existing arrangement. However, the proposal would likely lead this to increase, through the formalised and potentially more intensive use of the ground-floor roof as a terrace area, as well as the proposed balconies. I do not consider that either the obscurely glazed screens, or the proposed planting would appropriately mitigate this increased use and likely harm to privacy, even accepting that the site is in a dense urban area.
13. As a result, I find that the proposal would have an unacceptably harmful effect on the living conditions of occupiers of adjoining properties with specific regard to their outlook, any overbearing effect and privacy. This would be contrary to Policies D1 and D6 of the London Plan 2021, Policy CS1.B of the Core Strategy, Policy DM1 of the Local Plan and supplementary planning document guidance on design, all of which seek, amongst other things, to ensure that development does not harm the living conditions of occupiers of adjoining or surrounding properties.

Living conditions of future occupiers

14. The National Planning Policy Framework (the Framework), the London Plan 2021, the Core Strategy, the Local Plan, and the Residential Design Guide Supplementary Planning Document 2010 are all clear on the need for, and importance of satisfactory living conditions for future occupiers with specific regard to ceiling heights, internal space, layout, stacking and overall quality.
15. The Council has highlighted a number of deficiencies in these regards. As the relevant policy requirements are minima, and as they are key to ensuring that housing needs are met with due regard to the quality of housing provided, I do not consider that any failure to meet them, however minor, would be outweighed by the provision of housing in an otherwise sustainable and suitable location. Similarly, whilst I note building regulations may exist to control the transmission of noise between units, given its prominence in the relevant policy, I do not consider it appropriate to allow a stacking arrangement which is otherwise contrary to planning policy.
16. As a result, I find that as a result of the size of the units proposed, the proposed internal heights of the third-floor units in particular, and the vertical stacking relationships, the proposal would not provide suitable living conditions for future occupiers with specific regard to the quality of accommodation provided. This would be contrary to Policy D6 of the London Plan 2021, Policy CS1.K of the Harrow Core Strategy, Policies DM1 and DM26 of the Harrow Development Management Policies Local Plan 2013, the Residential Design Guide SPD 2010 and guidance in the Framework.

Cycle and refuse storage

17. Given the location of the site and the scale of the proposal, 27 cycle parking spaces are required. The proposal shows between 8 and 12, but information about the quality and usability of these spaces is limited. There is nothing in the evidence before me to suggest that this requirement should not be met in full. In addition, concerns have been raised, but not addressed in detail over the sufficiency of the proposed refuse storage.

18. I therefore find that I cannot be certain that the proposal would not provide suitable or sufficient cycle and refuse storage. In this regard, the proposal would be contrary to Policies D6 and T5 of the London Plan 2021, Policies CS1.B and CS1.K of the Core Strategy and Policies DM1 and DM42 of the Local Plan. These seek, amongst other things, to ensure that development makes appropriate provision for the storage of refuse and that barriers to cycling are removed.

Conclusion

19. For the reasons given above I conclude that although the principle of the proposal, being additional residential units in a sustainable location, is acceptable, as a result of the harm I have identified above, the proposal significantly conflicts with the development plan. There are no material considerations of such weight to indicate that a decision be taken other than in accordance with it.

20. The appeal should therefore be dismissed, and planning permission refused.

S Dean

INSPECTOR