



Appeal Decision

Site Visit made on 9 September 2021

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/M5450/W/21/3268344
72 Marlborough Hill, Harrow, HA1 1TY

- 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 Collet Mosudisa against the Council of the London Borough of Harrow.
 - The application Ref P/4468/18, is dated 6 October 2018.
 - The development proposed is conversion of first floor into two flats; rear dormer; three roof lights in front slope.
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Decision

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

Applications for costs

2. A late application for costs was made by Mr Collet Mosudisa against the Council of the London Borough of Harrow. The details of this application were the subject of a separate Decision.

Preliminary Matter

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have refused the application for planning permission. The Council's concern is that the proposal would cause harm in respect of the impact on the highway. I have had regard to the Council's statement in framing the main issue.

Main Issue

4. The main issue is the effect of the proposal on the operation of the highway with particular regard to parking provision.

Reasons

5. The appeal property, 72 Marlborough Hill, is a two-storey semi-detached building situated on a busy residential street. The property currently comprises a ground floor flat and a three bedroom maisonette. The proposal is to convert the first floor of the property into two flats; a two bedroomed maisonette and a studio flat.
6. The proposal would introduce an additional unit of residential accommodation to the property and, as such, could increase the potential demand for parking provision in the area. I note the appellant's view that the reconfiguration of the

accommodation could potentially reduce the demand for parking as, at present the three bedroom maisonette could house a family of four; two parents with two adult children and their partners. As such, the appellant holds that the existing arrangement could generate a demand for six parking spaces. However, in my view, given the nature of the accommodation on site, this intense level of occupation is highly unlikely. In my view, the additional residential unit which would be included in the proposed scheme before me would be likely to lead to an increased demand for parking in the area.

7. Whilst the increased demand would be small due to the size of the scheme, at the time of my site visit the road was heavily parked on both sides and the demand for parking appeared high. I was able to identify only a couple of vacant spaces. As such, I consider that the proposal would have a detrimental effect on parking provision in the area.
8. Moreover, Policy T6 of the London Plan 2021 (the London Plan) is clear in its aim that car parking should be restricted and car-free development should be the starting point for all development proposal in places that are (or are planned to be) well-connected by public transport. Furthermore, Policy CS1. R of the Harrow Core Strategy 2012 (CS) states that parking for new development will be managed to contribute to the delivery of a modal shift from the private car to more sustainable modes.
9. In this instance, there is no dispute that the property is situated in an accessible location with good public transport links and access to local facilities. Indeed, though the appellant questions the necessity of such a restriction, the evidence before me suggests that both parties have, at various points, agreed that the site is suitable for car-free development. Given the location of the property and on the basis of the evidence before me, I am satisfied that this is the case and the site would be suitable for car-free development.
10. I have been provided with a draft Unilateral Undertaking (UU) which sets out to ensure that the development would be car-free by restricting the ability of the occupiers to apply for parking permits. However, the UU is incomplete. As such, I consider that the proposed development would not support a modal shift towards more sustainable modes of transport, through the provision of a car-free development.
11. For the reasons set out above, the proposal would have an adverse effect on the operation of the highway with particular regard to parking provision and would conflict with Policy DM42 of the Harrow Development Management Plan Policies Local Plan 2013, Policy T6 of the London Plan and Policy CS1 of the CS. These policies, amongst other things, seek to ensure that development promotes a modal shift towards sustainable transport modes and does not create significant on-street parking problems.

Other Matters

12. I acknowledge that the additional unit of accommodation would be in a location well served by existing facilities and infrastructure. I also recognise that the proposal would provide some, limited, benefits for example by providing a new home. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposal utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.

13. Whilst the appellant makes reference to the existence of other developments which could be considered similar each case must be determined on its individual merits and the circumstances in each case are likely to be different. For example, the appeal at St Ann's Road appears to have been determined within a different policy context as it pre-dates the 2021 London Plan. Furthermore, I have not been provided with the specific details of the scheme and, in any event, the existence of other examples is not in itself a sufficient reason to justify the grant of planning permission.
14. The appellant also refers to the approach taken by other local authorities in London which have a different policy framework. However, the merits of the Council's development plan policies are not a matter for consideration as part of this appeal which must be determined in accordance with the development plan unless material considerations indicate otherwise.
15. A number of concerns around the handling of the planning application by the Council have been raised by the appellant. However, issues such as this are outside of the remit of this appeal and must be pursued through the Council's own complaints process.
16. I have noted a number of other issues raised including the effect on the character and appearance of the area. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issue, it is not necessary for these to be explored further as part of this appeal.
17. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusion I have reached that the proposal would have an adverse effect on the operation of the highway with particular regard to parking provision.

Conclusion

18. The proposal would not accord with the development plan when it is considered as a whole and I have not identified any material considerations which indicate that the appeal should be allowed. For the reasons given above I conclude that the appeal should be dismissed and planning permission should be refused.

L J O'Brien

INSPECTOR