



Appeal Decision

Site visit made on 19 January 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2022

Appeal Ref: APP/M5450/W/21/3276642

8 Headstone Road, Harrow HA1 1PD

- 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 Kings Oak Capital against the decision of Harrow Council.
 - The application Ref P/0916/21, dated 5 March 2021, was refused by notice dated 11 May 2021.
 - The development proposed a single storey side and rear extension to ground floor flat, single storey rear extension comprising of one additional flat (1 x 1) bin & cycle store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On visiting the site, the upward extension (approval P/3457/19 with an approved non-material amendment P/4529/20) was near completion, so for the purposes of this appeal, it will be considered part of the existing building. To this effect extant car and cycle parking and bin storage will be considered in accordance with plan 0467-19-101 C.
3. Since the Council took its decision and the appeal was made, the National Planning Policy Framework (the Framework) was revised in July 2021. The sections pertinent to this appeal have not materially altered. I will therefore reference the revised version.

Main Issues

4. The main issues are the effect of the proposed development on: -
 - The living conditions of future occupants of the existing ground floor flat and the proposed ground floor flat in relation to internal area, light, outlook, privacy, and amenity space;
 - Car and cycle parking; and
 - Appropriate waste storage provision.

Reasons

Living conditions

5. The appeal building is situated on the corner of Junction Road and Headstone Road. It is within an urban area surrounded by mainly multi-storey buildings abutting the rear of the pavement. Many of these buildings have mixed

commercial and residential uses, but there were no obvious examples of dwellings at ground floor level.

6. Junction Road is a short no-through road providing vehicular access to 4 buildings. The appeal building, the adjacent commercial unit, and two larger, taller buildings, 166 College Road, on the opposite side of the commercial unit, and notably Bradstowe House, which occupies the northern side of Junction Road. It is, however, a busy pedestrian route linking the large supermarket to the west, the St George shopping centre to the east, and the gym on the ground floor of Bradstowe House.
7. The appeal building is 7 storeys with cantilevered bays at first floor oversailing a ground floor flat and an enclosed car and cycle parking area. Waste storage and additional cycle parking is provided between the appeal building's western elevation and the flank of the adjacent commercial building.
8. The proposed development would increase the floorspace of the existing ground floor flat and would not diminish the current access to light, privacy levels, the limited defensible space, or outlook for occupants of that flat. It is understood the existing ground floor flat was permitted under the prior approval procedure. Therefore, the dwelling now exists, and this proposal would improve the living conditions for future occupants by increasing the internal floorspace of the existing ground floor flat.
9. The proposed new flat would have two windows in its western elevation. These would open directly into the proposed cycle parking and waste storage area. Future occupants would be affected by any noise and odour from this storage area and due to the narrow and partially enclosed form, the windows would not provide much light or outlook. The proposed flat is therefore tantamount to a single aspect dwelling. The windows in the proposed flat's northern elevation would face directly onto the road or into the proposed terrace. The proposed terrace would be setback within the existing building's footprint and enclosed from the street by privacy screening which would allow light through. However, the first-floor cantilevered bays would extend beyond the privacy screening and the windows facing onto the street, shielding them from the sky. This, in conjunction with their orientation north and the significantly taller building opposite would mean light would be very limited, and the outlook heavily restricted for future occupants of the proposed ground floor flat.
10. The proposed privacy screening and high-level windows would prevent those passing from looking into the proposed flat. However, the immediate proximity of all windows to the pavement along Junction Road or the communal cycle parking and waste storage, and the lack of high-quality defensible space, would result in an oppressive living space with limited outlook. This would not feel private, due to the physical proximity of people using the immediate area around the proposed flat.
11. Due to the aforementioned proximity to the pavement, lack of light and enclosed nature, the terrace would represent poor quality amenity space, although the quantitative provision would be adequate. Notwithstanding its size, its usability as private amenity space would be limited as it would also serve as the main entrance into the proposed ground floor flat. The proposal therefore would not provide high-quality, private, amenity space for the future occupants of the proposed ground floor flat.

12. The appellant asserts that proximity to street activity attracts people to live in such locations. However, individuals who choose to live in urban environments have a right to reasonable living conditions within their own homes. While it is possible that potential safety concerns could be overcome by additional security measures, no details were submitted in this regard.
13. In conclusion, the lack of impact on the living conditions of future occupants of the existing ground floor flat in relation to light, outlook, and privacy, and the limited benefit the increase in internal area of the existing ground floor flat would have, do not outweigh the harmful effect the proposed development would have on the living conditions of the future occupants of the proposed ground floor flat in relation to light, outlook, privacy, and amenity space. This would be contrary to policies D6 and SD6.(K) of The London Plan (2021) (London Plan), Policy CS.1 of the Harrow Core Strategy (2012) (Core Strategy), Policy AAP13 of the Harrow and Wealdstone Area Action Plan (2013) (AAP), Policies DM1, DM2 and DM27 of the Development Management Policies Local Plan (2013) (DMP), the Mayor's Supplementary Planning Guidance: Housing (2016) (Housing SPG) and the adopted Supplementary Planning Document Residential Design Guide (2010) (Residential DG). All these policies and guidance documents seek to create high-quality homes and preserve the living conditions of future occupants, amongst other things.

Car and cycle parking

14. The appellant has referred to paragraph 111 of the Framework (109 in the previous iteration), however the issue at hand is the provision of vehicle and cycle parking and not the impact on highway safety. To that effect, Core Strategy Policy CS.1, APP Policy AAP19, and DMP Policy DM42 all relate to car and cycle parking provision and refer specifically to the London Plan.
15. The London Plan Policy T5 seeks to secure the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well located in accordance with minimum standards. Policy T6.1 sets out the aim for car free residential development, where possible, except for disabled parking which should be provided for residential developments of 10 or more units. This is supported by Policy D5 which seeks the highest standard of accessible and inclusive design.
16. The appeal site is within a highly sustainable location, thereby resulting in the site being suitable for car-free development in line with the above policies. However, the above policies also seek to ensure that transport options for all residents are supported, specifically disabled people, and to encourage the use of cycles.
17. The proposal would remove the existing pair of disabled parking bays, reduce the cycle parking for the existing 25 dwellings by 4, and would not provide any additional cycle parking for the proposed ground floor flat.
18. It is apparent the flats within the original building may not be appropriate for wheelchair users. However, notwithstanding the stepped access, the flats within the upward extension are compliant with M4(2) of the Building Regulations 'Accessible and adaptable dwellings', so are likely to be suitable for disabled people, although it would not be possible for a wheelchair user to access those units. The proposal would also improve the existing ground floor studio and create an additional ground floor flat, both of which could be

suitable for disabled people. The lack of conditions or legal agreement tying the parking spaces to the upward extension does not negate that the car parking spaces are set out and annotated as disabled parking provision on the approved plans. Therefore, the removal of the disabled parking bays would not support transport options for existing or future disabled occupants.

19. The appellant states that nearby car parking provision is available under the blue badge scheme. On visiting the site, I saw that there were 3 on street parking bays which had a maximum time limit per 24 hours, but how these parking bays could be secured for the long-term use of future occupants has not been detailed.
20. I note that the building was historically used for offices, was built prior to the Disability Discrimination Act 1995, and that parking may have been reserved for management. However, this does not alter my findings on the main issue in respect to car parking.
21. Turning to the proposed cycle parking area design. AAP Policy AAP19, and DMP Policy DM42 set out the requirements for appropriate cycle parking provision and design.
22. The proposed development would combine the cycle parking and bin storage within a gated area, accessible by residents and refuse collection staff. The storage area would be partly underneath the existing first floor and the rest would be uncovered. General information relating to the two-tier cycle rack has been submitted, but it has not been demonstrated that the cycle rack could fit within the space provided in terms of height, nor that the cycles could be removed from the upper level without conflict with the bins.
23. This proposed design would provide secure cycle parking. However, the shared cycle and bin storage provision would not be fit for purpose. It would be unlikely that more than one resident could use the combined store conveniently at one time. Additionally, the lack of full cover for the cycle rack would not provide proper protection from the elements for long term cycle parking.
24. The appellant has stated that there are examples of open cycle storage elsewhere. This is common for short term cycle parking. However, no evidence showing such storage for long term residential use has been provided and the assertion that occupants would have their own cycle covers does not mitigate for the lack of proper covered spaces. The appellant also draws attention to issues with the previously approved cycle parking. However, the proposed scheme would not provide a more suitable solution as it would reduce the existing cycle parking provision and would fail to provide any fully covered spaces.
25. The appellant has not submitted any substantive evidence to support their position for a reduction in the existing cycle parking, nor identified why, in this specific case the non-compliance with the London wide cycle provision standards would be acceptable.
26. I conclude that the proposed development would have a harmful effect on car and cycle parking. This would be contrary to London Plan Policies D5, T.5, and T.6.1; Core Strategy Policy CS.1; AAP Policy AAP19; DMP Policy DM42 and the Residential DG, insofar as they relate to provision and design of car and cycle parking.

Waste storage provision

27. The proposed waste storage would be similarly located to the current storage area and would provide space for an appropriate number of bins. It would be combined with the proposed cycle parking, as discussed above. The bins would be positioned on both sides of the narrow central aisle, including directly underneath the windows of the proposed ground floor flat and opposite the proposed cycle parking.
28. The proposed waste storage would be secure and would not be visible to the public. The enclosure of the storage area would also ensure that any bins would not overspill onto the pavement. However, the proposed waste storage and cycle parking in such a confined space would not allow for any additional overspill waste storage within the store without impeding the cycle parking. This would be to the detriment of future users. Equally, the submitted bin movement diagrams show bins could be manoeuvred one at a time but would require the whole width of the aisle to accomplish this. This would not provide any protection to any cycles parked when bins are moved; nor allow for multiple users of the store at the same time.
29. In conclusion, the proposed development would not have appropriate waste storage provision. It would therefore be contrary to London Plan Policy D3.D(4), Core Strategy Policy CS.1, AAP Policy AAP4, DMP Policies DM1 and DM45, and the Residential DG, insofar as they relate to waste storage provision.

Other Matters

30. The appellant considers that the Council has unfairly represented the proposed development. This is a matter for the appellant to raise with the Council.

Conclusion

31. Although it is found that the proposed development would not harm the living conditions of the future occupants of the existing ground floor flat, this does not outweigh the harm that would be caused to the living conditions of the future occupants of the proposed ground floor flat, car and cycle parking, and waste storage provision.
32. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR