



Appeal Decision

Site visit made on 22 February 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23RD February 2022

Appeal Ref: APP/M5450/W/21/3282245

36 Hunters Grove, Harrow, HA3 9AA

- 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 Mr Manoj Jain against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4628/20, dated 15 December 2020, was refused by notice dated 10 June 2021.
 - The development proposed is Part-single storey side extension and the conversion of the dwellinghouse into three flats, 1 x 1-bed 1-person flat, 1 x 1 bed 2-person flat and 1 x 3-bed 4-person flat and the subdivision of the garden including parking, cycle storage and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for Part-single storey side extension and the conversion of the dwellinghouse into three flats, 1 x 1-bed 1-person flat, 1 x 1 bed 2-person flat and 1 x 3-bed 4-person flat and the subdivision of the garden including parking, cycle storage and refuse storage at 36 Hunters Grove, Harrow, HA3 9AA in accordance with the terms of the application, Ref P4628/20, dated 15 December 2020, subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. I have used the site address as set out in the Council's decision notice in the banner heading as the appellant has confirmed that an incorrect address was entered on the original application form.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - The effect of the proposal on the living conditions of existing and future occupiers with particular reference to noise and disturbance.

Reasons

Character and appearance

4. The appeal site comprises a two-storey, semi-detached dwelling that has been previously extended at both ground and first floor level. An existing two storey extension extends to the side boundary with 38 Hunters Grove; this extension has a recessed garage door with an overhanging first floor element above. The surrounding area comprises of mainly residential dwellings, of a similar design and appearance.
5. The proposed side extension would follow the alignment of the boundary and fill in part of the gap under the existing first floor element. A gap would be retained between the flank wall of the extension and the boundary to enable access to the rear garden of the property. The proposal extension would be small in scale and would not result in any harm to the character and appearance of the area.
6. The appeal proposal would result in three flats, comprising of one x 3 bed flat, one x 1 bed flat and one studio flat. The property is located in a deep plot and the appeal proposal makes provision for both cycle and refuse storage in the rear garden such that these elements would not be apparent in the street scene. Furthermore, there would be no alterations to the forecourt of the property that might indicate a more intensive use. Whilst the proposed outdoor space would be in the form of private gardens rather than communal grounds, given the overall size of the plot, I am satisfied that the subdivision would not be materially harmful to local character.
7. I also consider that the level of activity around the site such as people coming and going, car movements and deliveries for example, would not be significantly greater compared to that reasonably expected in relation to a large single family dwelling. Accordingly, there would be no significant harm caused to the character and appearance of the area in this regard.
8. Whilst I acknowledge that the surrounding area appears to mainly comprise of family sized houses, in my view, the subdivision of the property to form 3 no. flats would not result in a level of intensity that would result in any serious adverse effect on the character and appearance of the locality.
9. Furthermore, I acknowledge that the general thrust of Policy CS1 of the Harrow Core Strategy (2012) (CS), amongst other things, is to achieve a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods to promote housing choice, meet local needs and to maintain mixed and sustainable communities. In providing for smaller units, the proposal would contribute towards a mix of housing in the neighbourhood.
10. I therefore conclude that the proposed development would not have a harmful effect on the character and appearance of the area. Thus, I find that it would comply with Policy CS1 of the CS, Policy DM1 of the Harrow Development Management Policies (2013) (DMP), Policy D1 of the London Plan (2021) and the National Planning Policy Framework insofar as they seek to ensure that development does not harm local character and is of a high standard of residential design and layout.

Living conditions

11. The Council concerns relate specifically to the 'stacking' of the proposed flats. In this regard, the proposed ground floor studio flat, including the likely sleeping area, would be partly beneath the kitchen/living/dining area of the first floor flat. In addition, one of the bedrooms of the first floor flat would be mainly above the kitchen/dining/living area of the proposed ground floor one bedroom flat.
12. Whilst the proposed arrangement of the flats is not ideal, I am satisfied that suitable soundproofing would alleviate my concerns and would sufficiently protect the living conditions of future occupiers of the flats. Moreover, I am satisfied that extra soundproofing could be secured by a planning condition.
13. The proposed first floor layout shows bedrooms and bathroom adjacent to the party wall with 34 Hunters Grove. I am therefore satisfied that the proposal would be unlikely to have a harmful effect on the living conditions of the occupiers of No 34 with regard to noise and disturbance.
14. I have already concluded above that the level of activity around the site such as people coming and going, car movements and deliveries for example, would be unlikely to be significantly greater compared to that reasonably expected in relation to a large single family dwelling and would be unlikely to lead to significant increases in noise and disturbance.
15. Thus, I find that the proposal would not have a harmful effect on the living conditions of existing and future residents with reference to noise and disturbance and accordingly, would comply with Policy DM1 of the DMP insofar as it seeks a high standard of amenity.

Other Matters

16. With regard to the issues raised relating to parking, the Council has not raised any concerns in terms of parking provision or parking pressures and in the absence of any substantive evidence, I conclude that the proposal is acceptable in this respect. I also note that the Council's highway officer raised no objection to the proposal in relation to parking or highway safety. I am also satisfied that the proposal makes adequate provision for cycle storage and that sufficient space exists to the side of the building to enable easy access to the cycle storage facility.
17. Irrespective of the labelling of outdoor space on the site layout plan¹, three parcels of private garden are proposed and I am satisfied that adequate outdoor space would be provided for the future occupants of the flats. Subject to suitable conditions, the proposal would not have a materially harmful effect on the living conditions of adjoining occupiers through overlooking. Any significant issues arising in relation to noise during construction would be controlled through other legislation. Concerns raised relating to loss of value of property are not matters that are within the remit of this appeal.
18. The application was accompanied by a Flood Risk Assessment and I also note that the Council's drainage engineer raised no objection to the proposal. In the

¹ Plan ref. PR20-082i Rev 03

absence of any substantive evidence, I am satisfied that the proposal would not have any material effect on drainage in the local area.

19. The proposal makes adequate provision for refuse storage and I have no substantive evidence before me to suggest that the proposal would result in an increase of litter.
20. I have had regard to third party comments regarding precedent, however I am required to determine the application on its own merits.

Conditions

21. I have had regard to the conditions suggested by the Council. The National Planning Policy Framework states that conditions should only be attached where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Moreover, it states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. I have assessed the suggested conditions on this basis and made modifications to their wording where necessary in the interests of clarity.
22. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed conditions relating to materials and boundary treatment to ensure a satisfactory external appearance and to protect the visual amenities of the area. Whilst the Council suggest a landscaping condition, as there are no significant changes to the forecourt proposed, I am not convinced that such a condition would be reasonable or necessary.
23. I shall impose conditions relating to fire safety and secure by design in the interests of the safety of future residents. A condition requiring the submission of a noise insulation document is necessary to safeguard the living conditions of future occupiers of the development.
24. I have imposed conditions relating to cycle and refuse storage in order that the proposed development makes acceptable arrangements for these to be provided.
25. Condition 11 is necessary to protect the living conditions of the neighbouring occupants.
26. The Council suggest a condition to restrict permitted development rights to a use within Schedule 2, Part 3, Class L of the Order². However, based on the evidence before me, I do not consider that such a condition would meet the tests set out in the Framework.

Conclusion

27. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR

² Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PR20-082a; PR20-082b Rev 02; PR20-082c Rev 02; PR20-082i Rev 03; PR20-082d Rev 02; PR20-082e; PR20-082f Rev 02; PR20-082g; Design and Access Statement; Flood Risk Assessment; PR20-082f-FRA Rev 01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the occupation of the development hereby approved, a Fire Safety Statement shall be submitted to and approved in writing by the Local Planning Authority, this statement shall include details of how the development will function in terms of the following:
 - a) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point
 - b) is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
 - c) is constructed in an appropriate way to minimise the risk of fire spread
 - d) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
 - e) develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published to be included), and which all building users can have confidence in
 - f) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.
- The development shall be operated in accordance with the approved details in perpetuity.
- 5) Prior to the first occupation of the development, evidence of Secured by Design Certification shall be submitted to the Local Planning Authority to be agreed in writing, or justification shall be submitted where the accreditation requirements cannot be met. Secure by design measures shall be implemented and the development shall be retained in accordance with the approved details.
 - 6) The development hereby permitted shall not be occupied until a close boarded fence to a maximum height of 1.8 metres is first constructed to separate the private rear garden amenity areas as shown on Plan No PR20-082i Rev 03, the boundary treatment provided shall thereafter be retained.

- 7) Prior to occupation of the flats hereby approved, a noise insulation document detailing sound proofing between the units shall be submitted to and approved in writing by the Local Planning Authority. This document once approved, shall be implemented on site, and implementation of these measures shall thereafter be retained.
- 8) The cycle parking shall be implemented on site in accordance with the approved details prior to the occupation of the flats and shall thereafter be retained.
- 9) The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.
- 10) No window(s)/door(s), other than those shown on the approved plans shall be installed in the flank elevation of the development hereby permitted without the prior permission in writing of the local planning authority.