



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: 2 March 2022

Appeal Ref: APP/M5450/W/21/3267506

19C High Street, Wealdstone, HARROW, HA3 5BY

- 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 IDM Properties Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2256/20, dated 3 July 2020, was refused by notice dated 27 November 2020.
 - The development proposed is Three Storey Extension to Original Building to Provide Covered Walkway At Ground Floor And Additional Accommodation On New Upper Floor as a new apartment.
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Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary Matter

3. My attention has been drawn to the fact that the proposal may rely on land which is outside of the area of the site location plan outlined in red. However, given I am dismissing the appeal for other reasons which are set out below, I am satisfied that no-one would be prejudiced as a result of my determination of the appeal in this regard.

Main Issues

4. The main issues are:
 - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to noise and disturbance; and
 - the effect of the proposal on the living conditions of the future occupiers of the neighbouring scheme at No 19a High Street with particular regard to light, outlook and privacy.

Reasons

5. The appeal site comprises an irregular shaped plot of land, the majority of which is occupied by an existing building with two ground floor shops and six flats spread over the other three floors. The site is located on a busy high street with a diverse range of other properties.

6. The proposal is for an extension which would provide a covered walkway at ground floor level and additional accommodation above.

Living conditions of future occupiers

7. The proposal would extend a number of the units of accommodation within the building (Units 2, 4 and 6). Units 1, 3 and 5 would remain unchanged. An additional unit of accommodation, Unit 7, would be added on the top floor of the building.
8. Policy DM 1 of the Harrow Development Management Policies Local Plan, 2013 (LP) states that all development must achieve a high standard of design, layout and amenity and goes on to say that the adequacy of the internal layout of buildings in relation to the needs of future occupiers should be given regard. The supporting text to Policy DM 1 suggests that noise transfer between dwellings can be as critical to privacy as overlooking and goes on to suggest that the internal layout of rooms can help mitigate transfer of unwanted noise between homes. Policy DM 26 of the LP builds upon this and states that the arrangement of rooms should secure the separation of bedrooms and other room uses between homes within developments.
9. One of the bedrooms serving proposed Unit 7 would be sited directly above the main kitchen/dining/living space serving Unit 5. This is the only kitchen/living/dining space within Unit 5 and as such represents the primary habitable space of that unit and is likely to be well used. A bedroom area is one where a degree of peace and quiet is to be expected. As such, I consider that positioning a bedroom belonging to Unit 7 directly above the only living space serving Unit 5 is likely to lead to a conflict of interests between the occupiers of those units and create an unacceptable level of noise and disturbance for the occupiers of Unit 7.
10. For these reasons, I consider that the proposal would fail to provide satisfactory living conditions for future occupiers with particular regard to noise and disturbance. Consequently, the proposal would conflict with Policies DM 1 and DM 26 of the LP which seek to secure satisfactory levels of amenity for future occupiers of developments.

Living conditions at No 19a High Street

11. In 2019 permission was granted for a three storey building at the rear of 19a High Street to create three flats. This permission is extant and I have no reason to doubt that it will be completed in line with the terms of the planning permission. This building would be directly to the rear of the appeal site. The site at No 19a is to the rear of a number of large buildings.
12. The proposal would substantially increase the height and bulk of the appeal building. The proposal would also close the existing gap between the appeal property and the neighbouring building. This increase in size, together with the location of the appeal building in such close proximity to the scheme at No 19a, would be likely to have an adverse impact on the levels of light reaching the permitted flats and their outside space.
13. Furthermore, due to the size of the proposed building, it would appear as a dominant feature in the outlook from the properties at No 19a. This increased dominance, combined with the location of No 19a to the rear of other large buildings, would lead to an oppressive sense of enclosure for the occupants of the permitted flats.

14. The proposal before me includes a number of balconies and a terrace to the rear of the building. The balconies, with the exception of that serving Unit 7, would be set well back from the rear building line and would be sufficiently distant from the scheme at No 19a so as not to cause any excessive degree of overlooking. The terrace and balcony serving Unit 7 would be closer to the building at No 19a. However, the views afforded would be directly into the communal garden area rather than into any inherently private spaces. In any event, in built-up urban areas such as this a degree of inter-visibility between properties is to be expected. As such I do not consider that the proposal would have a harmful effect on the privacy of the potential future occupiers of No 19a.
15. Consequently, I consider that the proposal would cause harm to the living conditions of the future occupiers of the neighbouring scheme at No 19a High Street with particular regard to light and outlook. The proposal would, therefore, fail to accord with Policy DM 1 of the LP and Policy D3 of the London Plan 2021. These policies, amongst other things, seek to secure development which provides a satisfactory standard of amenity.

Other Matters

16. I acknowledge that the appeal site is 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 new homes. 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 relatively small scale of the proposal and must be considered in that context.
17. I also recognise the benefits which would stem from the extensions to the existing units bringing the standard of the accommodation in line with the standards set out in the London Plan 2021. However, the improvements to the living conditions for some would be offset against the negative implications for the living conditions of others.
18. I accept that the scheme has been sensitively designed in terms of its effect on the character and appearance of the area and also note that there are other aspects of local and London wide policy which would be met.
19. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would fail to provide satisfactory living conditions for future occupiers and would cause harm to the living conditions of the future occupiers of the neighbouring scheme at No 19a High Street.

Conclusion

20. 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

L J O'Brien

INSPECTOR