



Appeal Decision

Site visit made on 19 January 2022

by A. J. Boughton MA(IPSD), Dip.Arch, Dip.Conservation, RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/M5450/D/21/3277864

26 Village Way East, HARROW, HA2 7LU

- 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 J Shanmuganathan against the decision of The London Borough of Harrow.
 - The application Ref P/0849/21, dated 02 March 2021, was refused by notice dated 24 June 2021.
 - The development proposed is first floor side extension and two storey rear extensions; conversion of first and second floors to four flats (2x 1Bed and 2x Studio); erection of two-storey office building (with undercroft parking) at rear.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr J Shanmuganathan against the London Borough of Harrow. This application is the subject of a separate decision.

Preliminary Matter

3. The description of development proposed differs between the application form and the Council's decision notice. As the submission drawings are clear, in the interests of clarity and concision I have amended the description.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and local area, and
 - whether the proposed development would provide a safe and secure living environment for users, and
 - whether the proposed development would provide satisfactory living conditions for residential occupiers and
 - the effect of the proposed development on neighbouring users.

Reasons

Character and Appearance

5. 26 Village Way East lies at the eastern end of a parade, or terrace, of mixed use properties which returns at its western end onto Rayners Lane and is

defined as a secondary shopping frontage within the town centre of that name.

6. The appeal property occupies a prominent corner location at the junction with a secondary road, Park Drive which indirectly provides access to the rear parts of the appeal site and its neighbours by means of what appears to be a shared private lane. The block of development bounded by these roads but fronted by the original two-storey parade is characterised by low quality buildings in various forms of non-residential use, however beyond this block, Park Drive is an attractive residential street lined with good quality family housing and therefore a backdrop to the appeal site.
7. The original built form of the host building included an end-return of the ground floor façade which would have provided satisfactory visual termination of the parade of buildings, but this is now obscured by an unsympathetic single storey front-side extension which returns along Park Drive at back of pavement. This and other accretions to the original building including low quality rear extensions at ground and first floor to this and other neighbouring buildings, are visible in the eastern approach to the Rayners Lane town centre area.
8. The appellant refers to previous unsuccessful applications and preapplication engagement as to a 'comprehensive' development of the site and this was provided in March and April 2021. Although the appellant has given reasons as to why this approach has not been taken in that an absence of built form is a necessary response to flood risk issues, such alternative proposals are not before me to consider. The determination to be made is the application submitted and it is on that basis that I address the matters of design, character and appearance.
9. The proposal seeks to extend the original building with development that extends the original roof form onto the side (Park Drive) frontage. Although the proposal would not extend significantly into the plot as a single building as the Council sought to persuade, it would, nevertheless extend and partly enclose the adjacent buildings at the rear of the frontage in a manner which reflects the frontage buildings thereby having a positive effect on the appearance of the host building and, more significantly, on the street scene with regard to the approach view previously identified.
10. I now turn to the proposed separate office building at the rear. This two-storey flat-roofed building has an area of undercroft extending to more than 50% of that building area, and, due to the significant height of the void and width of the related opening in the east elevation this would be prominent in views of the site from Park Drive. Although the setback from the boundary and potential for landscaping behind the back-of-pavement fencing would be a positive contribution, the meanly-detailed flat roof and unbalanced east elevation would be obtrusive. I note that the appellant did make some minor fenestration changes from a previous near-identical proposal but these failed to improve what, overall, would appear as poor quality design detracting from the character and appearance of the immediate locality.
11. I therefore conclude that although the proposed extension to the host building would, on balance and with appropriate detailing and materials, tend to reinforce the distinctive qualities of the host building, and therefore the character and appearance of the approach views along Village Way East,

the proposed office building would be obtrusive in the street scene due to its poorly considered design. Consequently, as proposed, the development would conflict with Policy CS1 B of the Harrow Core Strategy 2012 (HCS) and with Policy DM1 of the Harrow Development Management Policies Local Plan 2013 (DMPLP) which, taken together, seek to ensure development responds positively to the local context in terms of design spacing and enhance areas of poor design.

Safe and Secure Environment

12. Turning firstly to the proposed residential accommodation. From my inspection of the plans provided it appears that the layout of the existing 3-bed apartment appears to present problems in terms of fire safety with access (and therefore egress) through a kitchen area. Rectification of such problems by redevelopment would be a benefit of the scheme. Whilst I note the safety and security concerns about the access to the proposed upper floor dwellings these are not fully explained. However, notwithstanding the small number of units (and therefore occupiers) the unrelieved and lengthy narrow corridor width would cause problems in practical terms for users in accessing the upper floors. These problems appear to be capable of rectification by modest reorganisation of the internal layout and door repositioning without change to the appearance or significant reconfiguration of the units provided so not fatal to the proposal in principle, nevertheless what is proposed does not represent good design.
13. The Council indicate that the undercroft area of the proposed office building is not consistent with the principles of designing out crime lacking overview other than by CCTV (which the appellant proposes). Policy D11 of the London Plan (2021) requires secured-by-design measures to be taken that are proportionate to the risk. The site area is plainly capable of being secured with access-controlled gates and the Council have not fully justified why a combination of measures, secured by planning condition, would not be proportionate in this instance.
14. I therefore reach a neutral conclusion as to there being any conflict with Policies D11 and SD6 of the London Plan which seek to promote vitality of town centre areas and the implementation of secured by design principles.

Living conditions

15. The Council refer to a net gain of 2 units. The plans provided suggest the existing studio unit is significantly smaller than the required area for even single-person occupancy and I have previously identified concerns as to the internal layout of the 3-bed apartment. Replacement of poor-quality accommodation with compliant development would be a benefit of the scheme.
16. The Council accept that the two apartments in the roof appear to have sufficient floor area, and the appellant has referred to a scale bar, however, from my inspection of the submitted drawings it is not evident from what is presented that the headroom requirement for 75% of that floor area to be at 2.5m headroom will be met within the constraints of the proposal as submitted. The submitted drawings indicate heights, but do not outline the extent of compliant headroom on plan. The proposals require proposed external roof surfaces to align with those of adjoining buildings which is a

significant constraint for technical design and although it is not usually appropriate to require construction detail at planning stage, the degree to which flats within roof voids may be affected by structure and slope of internal surfaces requires careful consideration as these may impinge upon net floor areas to an extent which is not de-minimis. The Harrow Residential Design Guide¹ indicates a need to provide 'practical and adequate' layouts for roof-level accommodation, however the drawn information is insufficiently clear to show that the appellant has addressed these concerns.

17. I therefore find there is conflict with the requirements of the Policy D6 London Plan (2021); Policy CS1.K of the HCS; Policy DM1 of the DMPLP and Mayor of London's Housing Supplementary Planning Guidance (March 2016) which, taken together seek to ensure residential accommodation provides a suitable living environment for occupiers of the units identified as Studio C and Studio D.

Neighbouring Users

18. Refusal reason 4 identifies a conflict (i) with the '45-degree splay' from the rear-facing dormer in the roof of No 24 Village Way East (No.24). Neither this aspect of the refusal reason nor the suggested impact (ii) upon outlook and visual amenity of occupiers of flat B or (iii) occupiers of Veneto House is addressed by the appellant in his statement of case.
19. From my observations these impacts are unlikely to be unacceptably harmful having regard to the nature of the existing outlook available to the occupiers of the relevant part of No.24 or to occupiers of Unit B which sits at the same level as the upper floor of the proposed separate office building and has, for the principle living room, alternative outlook to Park Drive. With respect to Veneto House, although in close proximity to the shared access and non-residential development with already-restricted outlook, it appears that some rooms may have dual aspect which would reduce the impact of the additional built form introduced by the proposed office building.
20. Overall, given the constrained nature of the site and surrounding development, impacts on the amenity of users arising from the proposal would be limited and insufficient to weigh against the proposal if there were no other reason for refusal. In that regard I note that in determining an almost identical proposal in November 2020 (Ref; P/2504/20) on this site the Council did not find it necessary to include a reason for refusal on these matters; this would align with my finding that no conflict arises with the relevant policies of the development plan those being CS1.K of the HCS, Policy DM1 of the DMPLP or the adopted SPD: Residential Design Guide (2013).

Conclusion:

21. Findings differ between the main issues for the reasons set out. Conflict with the development plan taken as a whole is therefore limited to the effect of the 'office building' on character and appearance of the surrounding area and failure to comply (or demonstrate compliance with) Nationally Designated Space Standards, but to these matters significant weight must be attached. I have noted the history of applications and negotiations between the

¹ As quoted in the officer delegated application report at 3.0

appellant and Council; nevertheless this does not change the overall conclusion for the matter before me which is, taking all matters raised into account, that the appeal must fail for the reasons given.

Andrew Boughton

INSPECTOR