
Appeal Decision

Site visit made on 1 December 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2021

Appeal Ref: APP/M5450/W/20/3254815

26 Butler Avenue, Harrow HA1 4EH

- 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 Senghani (No. 12 Investments Ltd) against the decision of Council of the London Borough of Harrow.
 - The application Ref P/4450/19, dated 19 October 2019, was refused by notice dated 24 December 2019.
 - The development proposed is the conversion of an existing residential dwelling into 3 self-contained flats comprising 2 studios and 1 three-bed unit and a single storey rear extension.
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Decision

1. The Appeal is dismissed.

Procedural Matters

2. Amended plans and details show the clarification of proposed flat sizes, the number of persons to be accommodated within the flats, a changed forecourt layout and detail, and the correction of plan inaccuracies. A site layout plan showed the removal of a frontage car parking space and the upper floor 3-bedroom unit is detailed as a 4 person rather than a 5 person flat.
3. The plan showing the removal of the parking space was submitted before the Council determination of the application but irrespective of this, the substance of the proposals has not changed. The number of flats remains the same and there would be no change in the number of bedrooms within them. For all these reasons, the appeal proposal has been considered on the basis of the amended plans and details.
4. For the sake of clarity, the proposal comprises 3 flats which are detailed as 2 ground floor studio and 1 upper floor 3-bedroom flats. There is another appeal on this site where 3 studio and 1 one-bedroom flats are proposed but I have considered the current appeal before me here on its individual planning merits.

Main Issues

5. The main issues are the effects of the proposal on (a) the living conditions of the future residents of the flats, having regard to internal space provision, private outdoor space and defensible space, and (b) the character and appearance of the area, having regard to frontage waste/recycling and bike storage provision.

Reasons

Living conditions

6. Policy DM 26 of the Harrow Development Management Policies (DMP) 2013 indicates that proposals for flat conversions will be supported where they provide a satisfactory standard of accommodation. Under this policy, proposals will be further required to comply with the London Plan (LP) 2016 minimum space standards. LP Policy 3.5 requires all new residential development, amongst other matters, to reflect these standards and that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose. The LP policy refers to table 3.3 which sets out minimum space standards, Gross Internal Areas (GIA), which are further set out in the LP Housing Supplementary Planning Guidance (SPG) 2016 and the Council's adopted Supplementary Planning Document (SPD): Residential Design Guide 2010.
7. The proposal would sub-divide an existing two storey mid-terraced house with loft conversion and rear dormer above, and would provide a single storey extension to the rear of it. Studio flats are proposed on the ground floor. The submitted details show these to be two-bedroom. However, even if this detail was indicative, these rooms would be of a size capable of comfortably accommodating beds for two persons. The rooms would be greater in size than that set out for a double bedroom in the minimum space standards.
8. There is no definition of studio flats before me but they would be expected to have open internal living spaces (apart from WC and bathroom facilities) to make up for their limited size. The units would not exhibit these characteristics because the single bedrooms would be separated from the kitchen/dining/living spaces by a corridor and its position on the other side of a bathroom/WC.
9. For all these reasons, the studio description of these flats is not appropriate, and the units would be attractive to two persons. Accordingly, the assessment of the quality of living conditions should be based on a 2 person 1-bed (single storey) dwelling space standard.
10. On this basis, occupants would have restricted space to carry out everyday living needs, such as for relaxation, eating and storage on account of the restricted layout, size and internal design. This is borne out by the GIA for the flats which would be significantly below the relevant LP space standard. Proposals are required to comply with this in terms of local planning policy.
11. Flats, referred to as studios, have been permitted in Vaughan Road in West Harrow and Grand Avenue in Wembley. Such units would have separate bedrooms and doors to other living areas. Consistency in decision-making is material. Nevertheless, the mere fact that these similar developments have been granted planning permission is not persuasive if no reasoning has been provided by parties on the acceptability of the provided internal living conditions. At Vaughan Road, there would also be limited scope for the single bedroom to accommodate two persons due to its size. Additionally, the issue, of whether the flats would be studios, was not considered by parties based on the information before me. Inevitably proposals will differ from one another in their circumstances, policy assessment and overall planning balance, and every proposal has to be considered on its particular planning merits as has been done so here.

12. The clarifying details show that the GIA of the upper floor 3-bedroom flat would be greater than the LP space standard for a 4 person 3-bedroom dwelling. However, bedrooms 1 and 2 would be of a size capable of accommodating 2 persons and again, the rooms would be greater in size than the minimum space standard for a double bedroom. Bedroom 3 would be smaller and constrained but would be capable of accommodating a person. Given this, the unit would be attractive to 5 persons. On this basis, the internal living conditions would be restricted for occupiers undertaking everyday living needs which is borne out by the GIA falling below the relevant standard for a 5 person 3-bedroom (two storey) dwelling, albeit by a small amount.
13. Turning to private outdoor space provision, there is none provided for the 3-bedroom unit. DMP Policy DM 26 also requires that proposals should make adequate arrangements for the provision of amenity space for future occupiers of development. DMP Policy DM 27 also requires that the appropriate form and amount of amenity space should be informed by the Mayor's London Housing Design Guide and, amongst other matters, to housing location and dwelling mix, and the likely needs of future occupiers of the development.
14. The 3-bedroomed unit would be capable of providing housing for a family. The site is close to a local playground suitable for child play and recreation. However, public open space is not equivalent to private open space as it cannot perform the same functions, such as private recreation, clothes drying or private outside play space for children adjacent to the dwelling.
15. At Wellesley Road, a family sized flat with no private outdoor space was permitted in close proximity to a local recreational space. However, the family sized unit would be larger than that proposed before me and the officer's report clearly indicates the permitted development to be a policy exception on balance. In the current proposal, there are also a number of other issues that are conflicted with. Therefore, there are material differences between this permitted scheme and that before me. In any case, every proposal has to be considered on its particular planning merits and for the reasons indicated, the lack of private open space provision for the 3-bedroom flat would adversely affect future occupiers' living conditions.
16. As to defensible space, the ground floor units' bedrooms would be separated from the bin storage and cycle storage area by a hedge. Views out of these windows would be mainly above the bins and cycle storage facilities and such areas would not be in constant use and thus, defensible space would not be adversely compromised.
17. In summary, there would be harmful internal living conditions for the future occupants of the ground floor and the upper floor flats. There would also be a harmful absence of external private outdoor space for the upper floor flat. Accordingly, the proposal would conflict with Policy CS1 of the Harrow Core Strategy (CS) 2012, Policies DM 1, DM 26 and DM 27 of the DMP and Policies 3.5 and 7.6 of the LP. Similarly, the proposal would also conflict with the advice of the Council's SPD and the LP SPG.

Character and appearance

18. There would be refuse/recycling bins and cycle storage provided on the frontage. CGI images further show the frontage appearance of this arrangement with hedging surrounding it.

19. The Council has indicated that further bins would be required for general waste and recycling. The appellant has suggested no such need because the bins could be shared between the smaller residential units. However, even if this was possible, the numbers of bins and their functional appearance would still result in a cluttered and unsightly frontage. Such an adverse impact would be further increased if residents of the ground floor units opted for garden waste bins which would add to this visual intrusion.
20. The Council's refuse and collection code indicates larger single communal general waste and recycling bins could be used. Whilst such bins would reduce clutter, they would be unsightly by reason of their size and bulk on a terraced residential property frontage.
21. An appeal was allowed for flats at Oxford Road in Harrow. However, the site layout plans do not show bike storage provision on the frontage and therefore, the Inspector did not consider the combined effect of bin and bike storage provision. At Grand Avenue, permission was granted for flats where a communal bin store was detailed which would have less volume than that proposed here. However, the development has a more extensive frontage, that wraps around the front and side of the building and it is unclear whether both general refuse, recycling and garden waste needs were considered and assessed. For all these reasons, there are material differences between these developments and the proposal before me. In any case, every proposal has to be considered on its own particular planning merits.
22. For all these reasons, the development would harm the character and appearance of the area, having regard to waste and bike storage provision. Accordingly, the proposal would conflict with Policy CS1 of CS, Policies DM 1, DM 26 and DM 45 of the DMP and Policy 7.4 of the LP.

Other matters

23. Greater waste/recycling/garden waste storage and bike cycling provision, if required, could have been secured by planning condition. However, this would not address the adverse effect of such provision on the character and appearance of the area. The living areas, including bedrooms, would be stacked one above the other but the Council has not disputed the appellant's evidence that suitable acoustic insulation could be provided. There is no reason why a planning condition could not prevent any adverse noise transmission between floors and harm to future residents' living conditions.

Planning Balance

24. The development would boost housing supply and future residents would have good access to facilities and services, including public transport, shops and local parks. These benefits would weigh in favour of the proposal.
25. However, there would be harm to the living conditions of the future occupants of the flats and the character and appearance of the area. Within the context of overall housing needs, the net increase of dwellings would be small. The harm to living conditions and character and appearance would be permanent and significant for the reasons indicated. Therefore, the proposal would not accord with the development plan and there are no other considerations to outweigh that finding.

Conclusion

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

Jonathon Parsons

INSPECTOR