



Appeal Decision

Site visit made on 25 July 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/M5450/W/21/3288999

Triminius House, Ballards Mews, Edgware HA8 7FS

- 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 Properties Ltd against the decision of the London Borough of Harrow.
 - The application Ref P/1314/21, dated 22 March 2021, was refused by notice dated 14 June 2021.
 - The development proposed is retention of 3 No. residential flats on the ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site inspection, I observed that the flats were all occupied. The internal layout and external appearance of the building largely follows the submitted drawings and I have assessed the scheme on that basis.

Main Issues

3. The main issues are: (i) whether the development will provide adequate living conditions for existing occupiers of the flats, with particular reference to privacy, noise and disturbance; (ii) the effect of the development on the character and appearance of the area; (iii) whether or not the proposed cycle storage arrangements comply with local policy and guidance; and (iv) whether or not the development will result in an unacceptable loss of business/industrial space in the Borough.

Reasons

Living conditions

4. The flats within the building are located on the ground floor and have entrances and windows facing onto Ballards Mews.
5. There are a small number of commercial car repair premises on Ballards Mews a short distance from the appeal site. During my site inspection I observed a great deal of activity in and around those premises with vehicles coming and going along with the sound of loud pneumatic machinery emanating from within the open fronted garages.
6. The noise and general disturbance emanating from the garages will be audible from within the flats, particularly from within the bedrooms, which face the street. Vehicles visiting and leaving the garages will travel past the bedroom windows, which are located a very short distance from the highway, while the

sound of car engines revving, and operational repair machinery will be very intrusive upon residents when the bedrooms are occupied. This will be particularly harmful during warmer days when the flats would be more likely to have their bedroom windows open.

7. There is no effective boundary treatment along the appeal site's frontage that could otherwise help to insulate the sound. Therefore, the living conditions of the occupiers will be unacceptably harmed.
8. The bedroom windows serving the flats are tall and allow for clear and largely uninterrupted views onto Ballards Mews. Internal views of the rooms could also be obtained from the street. During my site visit I inspected each bedroom and observed that all the windows had their curtains drawn, thus making the rooms gloomy and reliant on artificial electric lights for illumination. Given that it was a daytime visit, on a clear, albeit cloudy day, it seemed likely that the closed curtains were preventing actual and perceived overlooking into the bedrooms.
9. There will likely be times when the bedroom curtains will not be drawn and in those instances, occupiers could be subjected to unacceptable levels of overlooking or the feeling of being watched by passers-by and motorists traveling along Ballards Mews.
10. The appellant has specified that concerns relating to overlooking could be overcome by occupiers taking measures to secure privacy. It is not clear what those actions would be. However, were they to relate to the drawing of curtains which was observed during my site visit then those measures could have consequential impacts on other aspects of living conditions such as daylight, if used as a permanent solution.
11. In view of the above, the development will have an unacceptable effect on the living conditions of the occupiers of the flats with particular reference to privacy, noise and disturbance. The scheme will fail to accord with Policies D3 and D6 of the London Plan (2021), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) (the Local Plan) and guidance contained in the Harrow Residential Design Guide SPD (the SPD) and the Mayor of London Housing SPG. These require, amongst other things, that developments maintain an acceptable standard of privacy, ensure no harm from noise and disturbance and achieve a high standard of development in general. The proposal also fails to satisfy the requirements of the National Planning Policy Framework (the Framework) where it requires places that promote health and well-being, with a high standard of amenity for existing and future users.
12. The Council's refusal reason on this matter refers to there being a breach of the "Technical housing standards – nationally described space standard (2015)". However, that document specifically relates to internal space requirements rather than guidance on privacy and noise. I have not therefore referred to it in my conclusions.

Character and appearance

13. Ballards Mews is characterised by a mix of building styles that are located close to the vehicular carriageway, while being densely arranged along a consistent building line on either side of the street.
14. Table 3.2 of Policy D6 of the London Plan (2021) lists the qualitative design aspects to be addressed in housing development. One of the provisions is that

recycling and waste disposal, storage and any on site management facilities are convenient in their operation and location, appropriately integrated, and designed to work effectively for residents, management and collection services.

15. Three refuse storage containers are proposed in front of the flats on the short section of footway between the appeal building and the road. These would be prominent in terms of their location immediately in front of the bedroom windows. Three cycle stands would be located in front of the storage containers and together would obscure somewhat the ground floor of the building.
16. Those facilities would not be sited discreetly and would have a piecemeal arrangement that results in a visually cluttered appearance along the street. Consequently, the siting of the refuse storage and cycle parking would be incongruous and impact negatively on the appearance of Ballards Mews. Moreover, the proposed arrangement would fail to integrate appropriately with the development.
17. The appellant has indicated that an acceptable scheme for the storage of waste could be agreed through a planning condition. However, I have no details of this in terms of its possible appearance and location. Given this uncertainty I have doubts whether such a condition could be acceptably discharged. On this basis a condition would not overcome my concerns in this instance.
18. On this matter the proposal would have an unacceptable effect on the character and appearance of the area. It would fail to align with the provisions of Policies D3, D6 and T5 of the London Plan (2021), Policy CS1(B) of the Harrow Core Strategy (2012) (Core Strategy), Policies DM1 and DM26 of the Local Plan and the SPD. Collectively these require proposals to contribute positively to local character and distinctiveness, incorporate a high standard of design and integrate appropriately with the development. The proposal would also fail to meet the aspirations of the Framework in achieving well designed places that respect local character.

Cycle storage

19. Policy T5 of the London Plan (2021) requires cycle parking to be designed and laid out in accordance with guidance contained in the London Cycling Design Standards (Design Standards)¹. For residential uses cycle parking should be designed, amongst other things, to be well located, covered and secure, with access for residents only.
20. Each flat would have a bike stand located externally, conveniently positioned close to the entrance of the units and designed to allow bikes to be locked. However, the stands would not be secure or covered and could be accessed by individuals other than residents. These arrangements would not meet the requirements of the Design Standards and are not suitably protected from the elements or theft. Additionally, they would likely discourage residents from owning a bicycle and represent a harmful barrier to cycling and its associated sustainability and environmental benefits.
21. The appellant indicates that more suitable measures which address the Council's concerns could be agreed through a planning condition. However, I cannot be certain, given the site's spatial constraints close to the highway and the capacity of existing cycle store areas serving upper floor flats, whether an

¹ London Cycling Design Standards, Transport for London (2016)

acceptable scheme could be accommodated at the site. Accordingly, there would be no certainty that a condition could address the concerns in this respect.

22. Therefore, the proposed cycle storage arrangements would be contrary to Policy T5 of the London Local Plan (2021) and Policy DM1 of the Local Plan. Amongst other things these require proposals to be functional in terms of their design, be laid out in accordance with the Design Standards, and help to remove barriers to cycling and create a healthy environment in which people choose to cycle.

Business / industrial space

23. Prior to the conversion and occupation of flats at the appeal building the ground floor comprised office space (Use Class E, formerly Class B2).
24. The appeal site is in a Business Use Area under the terms of the Local Plan, and just outside of the Edgware Town Centre.
25. In those areas Policy E2B of the London Plan states that the loss of existing B Use Class business space (including creative and artists' workspace) in areas where there is a shortage of lower-cost space or workspace of particular types, uses or sizes, should: 1) demonstrate that there is no reasonable prospect of the site being used for business purposes, or 2) ensure that an equivalent amount of B Use Class business space is re-provided in the proposal which is appropriate in terms of type, use and size, incorporating existing businesses where possible, and include affordable workspace where appropriate.
26. The importance of available office space is also outlined in Paragraph 4.25 of the earlier Core Strategy, where there is a requirement for a net increase in the need for office floorspace, of 24,100m², over the period 2007-2026.
27. To demonstrate that there was a lack of demand for the office units at the appeal site, the appellant has submitted a marketing statement prepared by an Estate Agent. This states that the previous offices, were marketed from September 2018 to October 2019 at £10,000-13,000 per annum, but no interest was received during that time. The marketing of the offices was undertaken on Zoopla, via a client "mail shot" and on a website and window display.
28. Whilst I do not doubt the undertaking of that exercise, I have been given no details or copies of the marketing information to scrutinise. Also, the stated lack of interest with accompanying reasons, as described by the appellant, has not been evidenced through copies of the responses.
29. Moreover, there was no assessment at the time of local office space demand and supply provided with the marketing statement, nor any evidence of local vacancy rates that might have otherwise provided a clearer understanding of the local market. Also, the details fail to consider the requirements of Policy E2B 2) in relation to the re-provision of business space.
30. Therefore, without sufficient and robust evidence to show that there is a clear lack of demand for office space at the appeal site, I'm unable to conclude with any certainty that the development will not result in an unacceptable loss of business space in the Borough. Accordingly, it fails to accord with the provisions of Policy E2(B)(C) of the London Plan, Policy CS1(O) of the Core

Strategy and Policies DM31(C) and (D) of the Local Plan. Together, these require, amongst other things, that the Borough's stock of business premises will be monitored and managed, and it can be demonstrated that a site is no longer suitable and viable for business or industrial use.

Other Matters

31. The appellant's evidence refers to an approval from a workshop to residential flats at 15-16 Ballards Mews². Yet, I do not have details of the approved drawings or the circumstances which led to that permission. Moreover, the previous use of that building was a workshop, not offices, as is the case with this appeal. Therefore, I am unable to judge whether there are similarities between the schemes and have given limited weight to this matter.
32. The appellant attributes social and economic benefits to the provision of three flats at the appeal site. I also note that the site is accessible to shops, services and transport connections. Yet I have found there will be harmful effects upon the living conditions of existing occupiers, the character of the area, the provision of cycle storage and a possible erosion of the supply of office space in the locality. Collectively, those impacts will significantly outweigh the modest benefits outlined by the appellant, and would not overcome the conflict with the development plan.

Conclusion

33. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR

² LPA Application Ref: P/2469/18/5428, dated 19 June 2019