



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: 06 September 2022

Appeal Ref: APP/M5450/W/21/3282906 21 & 23 London Road, Stanmore HA7 4PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Bespoke Architecture Ltd. Against the London Borough of Harrow.
 - The application Ref P/2759/21, is dated 1 July 2021.
 - The development proposed is described as: redevelopment to provide 2-storey building with habitable roofspace comprising 9 flats, (3 x 2 Bedroom & 6 x 1 Bedroom), parking, bin storage, bicycle storage and landscaping following demolition of Nos. 21 & 23 London Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council did not comply with the timetable when submitting its statement of case. However, personal circumstances outlined by the case officer were considered to amount to exceptional circumstances and justified a short extension of time. Furthermore, as this is a failure case it would be difficult to assess the Council's case without any details of its position on the scheme. Accordingly, I have accepted this late information.
3. The date for final comments was duly extended following this, to ensure it would be procedurally fair to all parties.
4. An earlier scheme comprising a new building containing 9 flats was dismissed at appeal (the previous appeal)¹. My assessment has taken that decision into account.

Main Issues

5. The main issues are the effects of the proposal on: the living conditions of future occupiers of the proposed flats with particular regard to outlook, daylight and internal space; waste disposal and storage provision; and the character and appearance of the surrounding area.

Reasons

Living conditions

6. Flat 2, located on the lower ground floor, would have a rear bay window serving a largely open plan living area. The daylight passing through the bay window would be somewhat diminished by the height of the tall retaining walls surrounding the

¹ APP/M5450/W/20/3259249, dismissed on 24 February 2021

adjacent external patio area. The spaces furthest away from the window would be the kitchen and dining area, which are partially separated from the bay window by an internal wall. Given the distance from the window and the configuration of the room, those spaces would likely be gloomy and considerably less exposed to daylight. The height of the external patio wall surrounding the bay window would diminish the room's exposure to natural light, while also creating an enclosed and poor outlook from within the room. Those effects would result in an unsatisfactory internal living environment for the flat's future occupiers.

7. To overcome concerns raised in the previous appeal, the appellant has increased the internal ceiling heights, within the building, to 2.4m. The appellant indicates that the dimension is fully compliant with the National Housing Standards² which specify ceilings to be 2.3m in height.
8. Notwithstanding this, The Mayor of London Housing, Supplementary Planning Guidance (Housing SPG), states that a ceiling height of 2.5 metres for at least 75% of the gross internal area is strongly encouraged. This marginally higher dimension is to consider the higher average temperatures in London and can improve the amount and quality of natural light and ventilation within rooms.
9. It is acknowledged that the Housing SPG is only guidance, whilst the appellant indicates compliance with the national housing standards. Yet, the specific standards to London are uniquely aimed at mitigating the city's higher air temperatures and the proposal fails to adhere to these in its design. With the effects of climate change set to increase average temperatures, the requirements of the Housing SPG carry considerable weight. Accordingly, the ceiling height proposed would fail to adequately protect the living conditions of future occupiers of the building.
10. For the above reasons the proposal would fail to provide acceptable living conditions for the future occupiers of Flat 2 in terms of outlook and daylight, while the internal layout, insofar as it relates to ceiling height, would fail to meet the needs of future occupiers. The proposal would not accord with Policies DM1 and DM26 of the Harrow Development Management Policies Local Plan (2013) (Local Plan) and the Housing SPG, where habitable rooms are required to have a satisfactory environment in terms of daylight and outlook, accord with the internal ceiling height dimensions, and achieve a high standard of amenity in general.

Arrangements for waste storage

11. In light of the previous Inspector's concerns, the appellant has sought to reposition the bin storage area along the walkway to the left side of the building. This would ensure the forecourt remains free of clutter while bins would be securely stored behind the side access gate.
12. The appellant indicates that 10 bin containers at 580 litres capacity would be required for the property, yet I have no detailed dimensions of their length, width or height. The left side walkway according to the appellant measures between 1.3m and 1.5m in width.
13. There are no details of dimensions or analysis of the side walkway's width following the placement of the bin containers. I cannot therefore be certain that they could be easily wheeled to and from the forecourt on collection days. Moreover, the space the containers would displace could present access problems for occupiers, particularly those with pushchairs, scooters or wheelchairs. In this event, the waste

² Technical housing standards – nationally described space standards (2015), Ministry of Levelling Up, Housing and Communities

storage would be poorly designed with consequential and harmful effects upon the occupiers of the building.

14. I note from the submitted drawings that there would be scope to reposition and/or reconfigure the bins along the right-hand side walkway. However, this passage would also be narrowed by the presence of the bins, and without any detailed assessment of the walkway's dimensions and those of the proposed containers, I cannot be certain that they could be effectively stored whilst also allowing safe and wide enough access for pedestrians and less able occupiers. A planning condition would not therefore be reasonable or enforceable in this respect.
15. Given the lack of detailed information regarding the side access and the placement of bin containers, I cannot conclude with any certainty that the proposal would provide acceptable waste disposal and storage provision. It would fail to accord with Policies DM1 and DM45 of the Local Plan, Policy CS1B of the Harrow Core Strategy (2012) (Core Strategy) and the guidance in the Residential Design Guide Supplementary Planning Document (2010). These require proposals to ensure acceptable access to waste management facilities for all future occupiers, ensure satisfactory access for collectors, and have regard to the functionality of the development. It would also fail to meet the requirements of the National Planning Policy Framework (2021) in failing to provide high-quality places of good design that are accessible and function well (Paragraphs 126 and 130).

Character and appearance

16. London Road is characterised by large, neatly aligned detached dwellings set within deep plots. Properties are attractive in terms of their design with many incorporating stuccoed facades, gabled frontages, cat slide roofs and bay windows.
17. The previous appeal scheme had a deep crown roof and a three-storey rear projection that extended beyond the properties either side. The rear elevation had a flat and elongated profile which accentuated its bulk. Taking those aspects into account, the Inspector found that, the overall massing was unacceptable and at odds with the prevailing development pattern of surrounding properties.
18. The proposal's roof, ground and first floors have been reduced in depth and along with the lower ground floor would have a staggered arrangement which results in a reduction in its overall mass and scale. The reduced depth, compared to the previous appeal, would make the building less visually prominent from neighbouring windows either side of the site. Furthermore, the more articulated and stepped arrangement of the rear elevation would address the heavier appearance of the previous scheme.
19. The appeal proposal would be greater in volume than many of the surrounding dwellings. However, the building's mass would be well concealed by the existing tall boundary trees to the plot's side and rear. In addition, the appearance of the lower ground floor at the rear of the building would be largely obscured, when viewed from surrounding dwellings, by the retaining wall and boundary enclosures that surround it. The planting shown on the submitted drawings would also provide additional screening. These factors would diminish the proposal's effect on the prevailing pattern of development in the area, as it would not be clearly perceptible when viewed from neighbouring residential properties.
20. The properties along this part of London Road, largely, incorporate hipped style roofs. I observed during my site visit that some of these, had a crown formation where the planes of the roof meet to form a flat profile at the top. There are also further examples of crown roofs nearby along Court Road and Reenglass Road. Therefore, this type of roof shape and mass is not uncommon in the locality.

Although more voluminous, in the case of the appeal scheme, it would maintain a similar shape to neighbouring roofs insofar as having several roof planes meeting at the roof's termination point. Accordingly, the proposed roof of the building would not harm the character of the street.

21. In the previous appeal, the Inspector did not object to the concept of an atrium linking the two residential blocks. The scale, appearance and position of the atrium appears largely unchanged. As a consequence, it would break up the frontage of the building and give the impression, from several viewpoints along London Road and at the rear of the street frontage, of two detached dwellings of comparable width to other properties in the street. I am therefore satisfied that this aspect of the scheme is acceptable without harming the pattern or architectural coherence of the area.
22. In view of the above, the proposal would not harm the character and appearance of the surrounding area. It would accord with Policies DM1 of the Local Plan, CS1 of the Core Strategy, D1 of the London Plan and the guidance in the Residential Design Guide Supplementary Planning Document (2010). These require, amongst other things, that proposals respect local layout, form, scale, height and neighbouring roof forms where they contribute to the area's character.

Other Matters

23. There would be positive benefits in terms of the provision of 7 additional dwelling units at the site which would make a modest albeit valuable contribution to the Borough's housing supply. However, the provision of new houses, according to the local development plan, must also be well designed to provide adequate facilities and amenities for future occupiers. As the proposal fails in this regard, the modest housing supply benefits would not overcome the significant harm I have identified and the conflict with the development plan.

Conclusion

24. I have found that the proposal would not harm the character and appearance of the area. However, the proposal would not accord with the development plan in other respects and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise.
25. For the reasons given above, I conclude that this appeal should be dismissed.

RE Jones

INSPECTOR