



Appeal Decision

Site visit made on 16 August 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2022

Appeal Ref: APP/M5450/W/22/3291365

341 Station Road, Harrow HA1 2AA

- 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 S Hourli of Gorde Holding Ltd against the decision of London Borough of Harrow.
 - The application Ref P/2645/21, dated 25 June 2021, was refused by notice dated 7 October 2021.
 - The development proposed is the demolition of the existing rear extension and the erection of a two-storey rear extension to provide one 1-bedroom maisonette.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans have been submitted with the appeal seeking to address the Council's concerns about refuse and recycling storage. Details of a proposed bin store are included, and the cycling parking facilities that were on the plans before the Council when it made its decision have been omitted.
3. Such changes materially alter the scheme that was before the Council when it made its decision and therefore acceptance of them at this stage would potentially prejudice the interests of interested parties. As such, in reaching my decision, I have not had regard to the amended plans submitted and have determined the appeal having regard to the plans that were before the Council.

Main Issues

4. The main issues are:
 - whether appropriate living conditions would be provided for future occupiers of the proposal, with particular regard to garden area, outlook, privacy and light;
 - whether the proposal makes adequate provision for refuse and recycling storage and servicing, with particular regard to the living conditions of neighbouring occupiers and the future occupants of the proposal, and highway safety; and
 - whether appropriate living conditions would be maintained for the occupants of the existing House in Multiple Occupation (HMO), with particular regard to outlook.

Reasons

Living conditions of future occupants

5. I acknowledge that a bedroom is mainly used for sleeping, nonetheless it is a habitable room and should be provided with suitable outlook and light. In this case, the proposed bedroom has a large, glazed window which would sit behind a small garden and its security mesh fence. The window and the garden would be directly under the cantilevered first floor element of the proposed extension, set back from the rear elevation. Consequently, the amount of daylight and sunlight reaching the garden area and, more so, the bedroom would be severely, and unacceptably, limited creating dark and gloomy spaces. In addition, a poor outlook would be provided to the detriment of the living conditions of the future occupants.
6. As recognised by the appellant, a study can be used as a home office and, therefore, regularly and for long periods. Accordingly, whether it is defined as a habitable room or not, it is important that it has a reasonable outlook. However, the outlook from the ground floor study would also be poor, being onto a fully enclosed internal amenity space of limited size.
7. The glazed roof of the lightwell in the proposed extension would bisect the first-floor bedroom window of the existing HMO giving an unrestricted view of the internal amenity space and the staircase of the proposed dwelling. Notwithstanding that the use of the amenity space would be relatively limited, the lack of separation and overlooking would create an uncomfortable and unacceptable relationship between the two residential units.
8. Whilst less internal space is provided, and possibly head heights that don't comply with policy, the occupants of the scheme granted prior approval would have unrestricted outlook and light. This differs from the proposed scheme as set out above. For this reason, I do not accept that the future occupants of the proposal would have better living conditions than the occupants of the approved scheme and that this should be weighed in favour of the proposal.
9. I conclude that the proposed development would not provide suitable living conditions for the future occupiers of the proposal regarding garden area, outlook, privacy, and light. Consequently, the proposal would conflict with Policies D3 D and D6 of the London Plan 2021 (LP), Policy AAP4 of the Harrow and Wealdstone Area Action Plan (AAP), Policies DM1, and DM 27 of the Harrow Development Management Policies Local Plan 2013 (DMLP). These policies seek high quality design of residential units, having regard to privacy and amenity. In addition, the proposal would not accord with the overall aims set out in the Mayor of London Housing Supplementary Planning Guidance 2016, and the adopted Residential Design Guide Supplementary Planning Document 2010 (SPD).
10. Although the Council has referred to the Nationally Described Space Standards¹ within its decision notice, such standards relate to internal space within new dwellings, and they have raised no objections on those grounds. Accordingly, it is not relevant to these main issues.

¹ Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (2015)

Refuse and Recycling Storage, and Servicing

11. Access from the retail unit to the service area at its rear, on Havelock Place, is maintained by an internal retail access corridor. The area available to undertake the servicing of the retail unit would, however, be very limited as would the area available to accommodate the necessary refuse and recycling storage to meet the needs of the proposed dwelling and the existing HMO. No details have been provided that demonstrate how such arrangements can be suitably managed and acceptable living conditions provided and maintained for the occupants of the proposal and the HMO.
12. Havelock Place provides access to parking and servicing areas of several properties and appears well used. Any encroachment onto the highway due to inadequate storage facilities on site would obstruct Havelock Place thereby adversely affecting the safety and flow of traffic on the public highway. I therefore agree with the Council that in the absence of a servicing and delivery plan, or other details, it has not been demonstrated that such activities could take place without adversely affecting the public highway. Accordingly, highway safety would be unacceptably prejudiced.
13. Consequently, as the proposal does not make adequate provision for refuse and recycling storage and servicing, the living conditions of neighbouring occupiers and the future occupants of the proposal would be adversely affected as would highway safety.
14. I note that the Council have referred to Policy DM44 A in the decision notice. The cause of any changes to the servicing arrangements of the retained retail unit arises due to the residential nature of the appeal proposal. However, Policy DM44 A specifically relates to non-residential proposals and as such is not directly relevant. Notwithstanding that there is no conflict with Policy DM44A my conclusions about the adequacy of the refuse and recycling storage and servicing remain.
15. I therefore find conflict with Policy T7 of the LP, Policy AAP4 of the AAP, and Policy DM44 of the DMLP, that seek to ensure on site provision for general waste, and that arrangements for servicing maintain or improve the safety and flow of traffic on the public highway.

Living conditions of the occupants of the HMO

16. The upper floor of the proposed extension would extend about a third of the height of the window above its cill. Although its outlook would not be completely unrestricted, the upper sections of the window would be unimpeded by the proposal. The outlook from that window would remain acceptable and the living conditions of the occupants of the HMO would not be unacceptably harmed.
17. Accordingly, the proposal would not conflict with Policies D3 D of the LP, Policy AAP4 of the AAP, and Policies DM1 of the DMLP and would accord with the overall aims set out in the SPD as adequate living conditions would be maintained for the occupants of the HMO regarding outlook.

Planning Balance

18. The proposal involves the development of a small site which has been accepted as having a Transport for London Public Transport Accessibility Level (PTAL)

rating of 6a meaning that the site has excellent accessibility to public transport. It contributes towards the housing target set out in the development plan, albeit in a small way.

19. In addition, the proposal would enhance the character and appearance of the property, a non-designated heritage asset, and the area generally due to the removal of an unsympathetically designed ground floor rear extension and the acceptable design of the proposal. The carbon dioxide emission reduction measures incorporated in the proposed construction are also noteworthy.
20. Such benefits do not, however, outweigh the harm I have identified regarding the inadequacy of the living conditions of future occupiers and the inadequacy of refuse and recycling storage and servicing arrangements.

Conclusion

21. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
22. For the reasons given above the appeal is dismissed.

Elaine Moulton

INSPECTOR