



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: 23 September 2022

Appeal Ref: APP/M5450/W/21/3286319

Baldwin House, 2 Gayton Road, Harrow, London HA1 2XU

- 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 Woolbro Morris Ltd against the decision of London Borough of Harrow.
 - The application Ref P/0634/21, dated 12 February 2021, was refused by notice dated 5 October 2021.
 - The development proposed is the construction of an additional storey on the existing building to provide 4no. residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has stated that there were no objections to entering into a planning obligation to restrict parking permits for future residents. However, such an obligation had not been submitted within 7 weeks from the start date as set out at para N.2.1 of Annex N of the Procedural Guide: Planning appeals England. I allowed additional time for an executed copy of an obligation to be submitted. On 13 September 2022 a draft obligation was provided by the appellant, but the document was not signed or dated. The obligation therefore has no legal effect. Under the approach set out at para N.2.2 of the Guide, I am not required to delay the issuing of a decision to allow further time for a dated legally binding planning obligation to be submitted. I have therefore determined this appeal based on the information before me.

Main Issues

3. The main issues are:
 - whether car-free sustainable development would be secured; and
 - the effect of the proposal on the character and appearance of the host building.

Reasons

Car free development

4. Policy T6 of the London Plan 2021 states that car-free development should be the starting point for all development proposals that are (or are planned to be) well-connected by public transport. Additionally, the Policy T6.1 states that new residential development should not exceed the maximum parking standards.

5. Policy DM42 of the Harrow Development Management Policies Local Plan 2013 (DMPLP) indicates, amongst other things, that proposals that make on-site provision for parking will be supported where the number of vehicle parking spaces would have regard to the maximum London Plan standards. It goes on to say that proposals for car-free development within town centres will be supported where it can be demonstrated that there would be adequate safeguards against parking on the surrounding highway network and in public car parks.
6. The relevant policies therefore require this development to be car-free given that the site lies within Harrow Town Centre and has an excellent Public Transport Accessibility Level (PTAL) of 6b according to the evidence before me. As the proposal does not include any additional car parking provision on site it is car-free development that is supported by policy provided suitable safeguards would prevent off-site parking.
7. During my site visit, I noted that the site is located within a Controlled Parking Zone (CPZ) with on-street parking reserved for permit-holders only, Monday to Saturday between 8.30am and 6.30pm. To ensure that no occupiers of the development, other than a Blue Badge holder, would be entitled to apply for such a permit and for the development to be truly car-free, it is necessary to have a suitable mechanism in place. The requirement for a planning obligation to secure a car-free development is made clear in the officer report and acknowledged and accepted by the appellant. Such an obligation has not, however, been provided as I have indicated above.
8. In the absence of an obligation, the appellant had suggested the imposition of a planning condition that requires the completion of such an obligation. Any such condition would have to be negatively worded, preventing development from taking place before arrangements have been made that secure the development as car-free. I am mindful of Planning Practice Guidance advice that a negatively worded condition requiring a planning obligation or other agreement to be entered into before development can commence may be appropriate in exceptional circumstances, where there is clear evidence that the delivery of the development would otherwise be at serious risk. No such evidence has been provided and as such it is not appropriate to impose a condition in this case.
9. In conclusion, in the absence of a suitable planning obligation, car-free sustainable development would not be secured. In that regard it would not comply with the sustainable transport requirements of Policy T6 of the London Plan 2021 and DM42 of the DMPLP.

Character and appearance

10. The appeal relates to a five-storey building converted to residential use from an office. The existing building is gently curved with a flat roof, predominantly constructed in brick with terracotta cladding beneath the upper floor windows and off-white render at ground floor.
11. Whilst the grey arches and off-white render utilised in the design of the development would not replicate the flat roofed and brick construction of the upper floor, they would reflect the materials of the ground floor front elevation. Such materials and the contrasting design of the proposal would add to, and

improve, the visual interest of the otherwise utilitarian design of this former office building.

12. The design and appearance of the proposal would sit comfortably with the varying design and scale of the surrounding buildings notwithstanding that they are also predominantly flat roofed and brick constructions.
13. Overall, the design of the proposal is an appropriate response to the existing character of the building and the place it is within and would contribute in a positive way towards the local character.
14. Therefore, the proposal would not harm the character and appearance of the building. Accordingly, it would accord with the design aims of Policy D3 of the London Plan 2021, Policy CS1 of the Harrow Core Strategy 2012 and Policy DM1 of the DMPLP.

Conclusion

15. Whilst I have found that the proposal would not harm the character and appearance of the building this does not outweigh the harm arising due to car-free sustainable development not being secured by a suitable mechanism. The proposed development therefore conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
16. For the reasons given above the appeal is dismissed.

Elaine Moulton

INSPECTOR