



Appeal Decision

Site visit made on 19 October 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/M5450/W/22/3298513

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 No.12 Investments Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4933/21, dated 17 December 2021, was refused by notice dated 4 May 2022.
 - The development proposed is the conversion of a single dwelling to three flats, with front landscaping, bin storage, cycle storage to the rear and a ground floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a single dwelling to three flats, with front landscaping, bin storage, cycle storage to the rear and a ground floor rear extension at 26 Butler Avenue, Harrow, HA1 4EH in accordance with the terms of the application, Ref P/4933/21, dated 17 December 2021, subject to the attached schedule of conditions.

Application for Costs

2. An application for costs was made by No.12 Investments Limited against the Council of the London Borough of Harrow. This is the subject of a separate Decision.

Preliminary Matters

3. Within their costs rebuttal, the Council have submitted additional information to justify the decision on the planning application. Given that the appellant has had an opportunity to respond to this statement, I am satisfied that neither main party will be prejudiced by my taking this information into account.

Main Issue

4. The main issue of this appeal is the effect of the proposed bin storage arrangements on the character and appearance of the area.

Reasons

5. The appeal site comprises a two storey terraced dwelling with a paved driveway for one car and an area of garden to the front. The proposed development, comprising the conversion of the dwelling to three flats and rear extension would replace the driveway and reconfigure the front garden to accommodate bin storage.

6. Policy DM26 of the Harrow Development Management Policies Local Plan (2013) (the Local Plan) in respect of bin storage for development involving the subdivision of terraced houses requires “adequate space on the forecourt to accommodate the bins and provide suitable screening in conjunction with other forecourt uses”.
7. The appeal scheme includes the provision of dedicated bin storage areas for each flat as shown on plan 200.2 rev 18 – Ground Floor Plan as Proposed. Whilst the Council consider the front garden is not of a sufficient size to accommodate the required standard of bins as well as suitable screening, I am satisfied that this plan demonstrates the suitability of the area. Through providing convenient and appropriately sized spaces, this arrangement would also encourage the tidy storage of bins, and reduce the likelihood of litter or impeded access to the front entrance. Combined with the proposed screening hedging and the removal of the parking space, the proposed forecourt would enhance the terrace frontage. Given the current informal storage arrangement of bins at No 26, the proposed development would contribute positively to the streetscene while providing an additional on-street parking space.
8. Whilst the main waste storage area is proposed at the front of the dwelling, additional areas have been designated at the rear. This would mean bins, including larger wheelie bins, would need to be brought through the communal hallway. Given the front garden can accommodate up to six wheelie bins, it is likely that the bin storage to the rear would be used predominately for garden waste. As such, the frequency of moving these bins through the appeal property would be less often than the general waste and recycling bins. Regardless, should the movement of wheelie bins, bicycles or any other items lead to damage to the appeal property, this would be subject to the arrangements agreed by the owners of the flats and is not a matter for this appeal.
9. Consequently, I conclude that the proposed bin storage arrangements would not cause harm to the character and appearance of the area in accordance with Policy D1 of the London Plan (2021), Policy CS1 of the Harrow Core Strategy (2012) (the Core Strategy) and policies DM1 and DM26 of the Local Plan. These policies, amongst other provisions, resist development that would be detrimental to the local context through an understanding of the positive attributes of an area’s local character.
10. I also conclude that the proposed bin storage arrangements accord with the guidance set out in the RDG SPD which seeks to ensure development maintains, and is sympathetic to, local character.

Other Matters

11. Although the proposed development would result in the conversion of a single family home into three flats, the upper floors of the appeal property would comprise a three bedroom flat capable of accommodating a small family. Additionally, I have no evidence of policy before me that precludes the conversion of an existing dwelling to flats. As the space standards set out in Appendix 1 of the RDG SPD do not distinguish between one-bed or studio flats, this does not affect the assessment of the proposed development. Additionally, I note that one of the proposed loft rooms is shown as a study on the plans and does not reach the minimum space standards for a bedroom. The appeal scheme has therefore been assessed on the basis that this room would be used

as a study, which is not an unreasonable arrangement given the size of this flat.

12. Irrespective of the limited examples of loft conversions in the Avenue or subdivision of similar properties nearby, the conversion of the dwelling to three flats would retain its existing residential character. The limited proposed physical alterations to the property would also maintain the architectural style of the dwelling, terrace and the wider streetscene. Based on the space standards, the flats would provide adequately-sized rooms to accommodate up to six people (one per ground floor flat and four people in the upper floors). Given the existing size of the dwelling, the proposed development would not significantly increase the occupancy of the property nor the activity associated with its residential use.
13. I note that third parties have referred to a surplus of flats in the area, however I have no compelling evidence before me to demonstrate that the appeal proposal would lead to harm in this regard. In addition, the net gain of two additional dwellings would be beneficial to the supply of housing in the borough.
14. The proposed single storey rear extension would extend the ground floor into the garden within the recommended depth set out in the Supplementary Planning Document: Residential Design Guide (2010) (RDG SPD). It would also be lower than the maximum recommended height. Combined with the use of matching materials, the modest scale of the rear extension would respect the character and appearance of the dwelling.
15. Third parties have also raised concerns about the living conditions of existing residents in the Avenue, in particular regard to its effect on the levels of daylight, noise and smells, and outlook. As the modest single storey extension to the rear of the appeal property accords with the RDG SPD, I have no compelling evidence before me to indicate it would have a detrimental effect on the living conditions of neighbouring residents in respect of daylight and outlook. Remaining residential in use, any increase in noise or smells from additional occupants of the proposed development would be minimal.
16. I appreciate the concerns from neighbours in respect of the noise generated from construction works. Given the small scale of the proposed development, the works are not likely to be undertaken over a significant period of time and therefore any inconvenience would be limited.
17. In relation to the living conditions of future occupiers of the development, I note the concerns relating to disabled access and the impact on occupiers' mental health regarding levels of daylight. Access to the proposed development would be via the existing front door and I note that the Design and Access Statement submitted with the application confirms the ground floor flats would provide access for wheelchair users and ambulant disabled. Nevertheless, the proposed development meets the space standards set out in the RDG SPD and windows are provided for all habitable rooms. As I have no compelling evidence before me to indicate otherwise, I see no reason why these rooms would not benefit from an adequate level of daylight.
18. In respect of the concern that the proposed development would be a fire hazard, this is addressed through a condition requiring a Fire Safety Statement to be submitted to, and approved by, the Council.

19. I also note the comments from third parties in respect of the availability of, and demand for, parking in the area, particularly with the existing nursery in the Avenue. Given its proximity to a range of public transport options, including underground and bus routes, and Harrow town centre, it has a 'good' public transport accessibility level rating. This, combined with the dedicated cycle storage incorporated within the proposed development encourages car-free living. Therefore, the proposed development would not unacceptably increase the levels of pollution, congestion or demand for parking in the area.
20. I recognise that a number of planning applications on the appeal site have been submitted for consideration by the Council. Given the Council is duty bound to consider materially different schemes, such assessments are necessary, even if it may cause frustration and anxiety to some third parties. I also acknowledge that, although the planning application was recommended for approval by Council planning officers, the committee unanimously voted to refuse it. However, neither of these facts have altered my assessment of the planning merits of the case.
21. Whether or not the dormer tiles represent a breach of a previous planning permission in terms of matching the existing colour of tiles is not a matter for me to consider as part of this appeal. Similarly, if the loft conversion does not comply with Building Regulations, this would be a matter for the Council's Building Control team.
22. A number of third-party representations include comments relating to a variety of issues which are not a matter for me to consider as part of this appeal, such as water pressure and sewage issues in the area. Additionally, determining whether the property should be listed or designated as part of a Conservation Area is not the role of this appeal.
23. Given that I have concluded that the proposed development would be acceptable, I see no reason why it would lead to harmful development on other sites in the area.

Conditions

24. Within the officer's report to committee, the Council suggested 11 conditions. These have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. I have also undertaken some minor editing, rationalisation and reordering, in the interests of precision and clarity.
25. In addition to the standard time limit condition, I have imposed a condition requiring that development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have also imposed a condition requiring the use of materials to match those used in the existing property, in the interests of maintaining the character and appearance of the area.
26. To ensure adequate measures are implemented to avoid noise nuisance and to safeguard the amenity of existing and future residents, I have imposed a condition requiring sound insulation details to be submitted to and approved by the Council.
27. To safeguard the character and appearance of the area and enhance the appearance of the development a condition has been imposed requiring the

submission and approval of soft and hard landscaping details. It also includes the details of the boundary treatments and the identification of existing landscape features and any protection measures. To ensure the landscaping scheme is implemented at the appropriate time, a separate condition has been imposed.

28. I have imposed conditions relating to safe cycle and waste storage facilities for all future occupiers of the development, in the interests of highway safety, promotion of sustainable transport and to safeguard the character and appearance of the area. In respect of the waste storage condition, I have removed the Council's suggested requirement for bins to be stored at all times, except collection days. This requirement is not necessary to make the development acceptable.
29. In the interests of creating safer and more sustainable communities by reducing the risk and fear of crime, a condition has been imposed requiring the development to achieve a Secure by Design accreditation and implement recommended measures.
30. To ensure the appropriate fire safety measures are approved and implemented before the dwellings are occupied, and managed thereafter, a condition requiring a Fire Safety Statement has been imposed.
31. Finally, in the interests of maintaining a mixed, balanced, sustainable and inclusive community, and residential and visual amenity, I have imposed a condition removing specific permitted development rights. This would prevent the change of use from Class C3 (dwellinghouses) to Class C4 (houses in multiple occupation).

Conclusion

32. For the reasons given above and, taking into account all other matters raised, I conclude that the appeal should be allowed.

Juliet Rogers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 100 rev 02 – Block and Location Plan as Existing
 - 202 rev 05 – Ground Floor Plan as Existing
 - 203 rev 05 – First, Loft, Roof Plan as Existing
 - 030 rev 01 – Side Elevation as Existing
 - 031 rev 01 – Elevations as Existing
 - 200.2 rev 18 – Ground Floor Plan as Proposed
 - 201.2 rev 14 – First, Loft, Roof Plan as Existing
 - 300.2 rev 09 – Elevations as Proposed
 - 301.2 rev 05 – Side Elevation as Proposed
 - 302.2 rev 03 – Side Elevation B as Proposed
 - 401 rev 04 – Loft GIA and Section Height as Proposed
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) No development shall commence until details of the provision of noise insulation between ground floor flats and the upper floor flat (demonstrating compliance with the requirements of Approved Document E – Resistance to the Passage of Sound [2003] of the Building Regulations) is submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until the works have been completed in accordance with the approved details and shall thereafter be retained.
- 5) Prior to the occupation of the dwellings, a scheme of hard and soft landscape works for the forecourt and rear garden of the site must be submitted to, and approved by, the local planning authority. Details shall include:
 - i. identification of all existing trees and hedgerows on the land, including an indication of those to be retained and measures for their protection throughout the course of the development;
 - ii. a plan indicating the positions, design, materials and type of boundary treatment to be erected for the rear gardens and forecourt;
 - iii. soft landscape works shall include planting plans and schedules of existing and new plants, noting species, plant sizes and proposed numbers / densities; and
 - iv. plans and cross sections indicating the specification, positions, design, materials and type of hardsurfacing to be laid for the rear gardens and forecourt.

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

- 6) The boundary treatment shall be completed before the development is occupied. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.
- 7) Prior to the occupation of the dwellings, details of secure and sheltered cycle stores (including dimensions, elevations and external materials) to be located within the private garden of each unit with a minimum of 2 cycle parking spaces for each residential dwelling shall be submitted to and approved in writing by the local planning authority. The cycle storage shall be made available prior to occupation of the development and retained thereafter.
- 8) Prior to the occupation of the dwellings, details of the waste storage areas, including a minimum 2-bin system for each dwelling, shall be submitted and approved by the local planning authority. The waste storage areas shall be made available prior to occupation of the development and retained thereafter.
- 9) Prior to the occupation of the dwellings, a Fire Safety Statement shall be submitted to and approved in writing by the local planning authority, this statement shall include details of how the development will function in terms of the following:
 - i. identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point;
 - ii. is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures;
 - iii. is constructed in an appropriate way to minimise the risk of fire spread;
 - iv. provide suitable and convenient means of escape, and associated evacuation strategy for all building users;
 - v. develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published to be included);
 - vi. provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The development shall be implemented and occupied in accordance with the approved details.

- 10) Prior to the occupation of the dwellings, evidence of Secured by Design Certification shall be submitted to and agreed by the local planning authority. Justification shall be submitted where the accreditation requirements cannot be met. Secure by Design measures shall be implemented and retained in accordance with the approved details.
- 11) The development hereby permitted shall be used for Class C3 dwellinghouses only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.