



Appeal Decision

Site visit made on 29 November 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2023

Appeal Ref: APP/M5450/W/22/3295660

294 Station Road, Harrow HA1 2DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to planning permission.
 - The appeal is made by Mr Shaun Kapoor against the decision of Harrow Council.
 - The application Ref P4816/21, dated 7 December 2021, was refused by notice dated 1 February 2022.
 - The development proposed is two 1 bedroom self-contained units on existing first floor and proposed second floor with mansard roof & cycle and refuse storage at ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I was unable to access the interior of the property at the time of my site visit. However, I consider that the evidence that is before me, along with my visit to the exterior of the site and its surrounding is sufficient for me to consider the proposed development, and the main issues that I have identified.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposed development would provide suitable living conditions for future occupiers with regard means of access and the standard of accommodation with specific regard to internal space;
 - Whether the proposed development would make adequate provision for the storage of refuse, and;
 - The effect of the proposed development upon flood risk.

Reasons

Character and Appearance

4. The appeal site relates to an existing two-storey mid-terrace property located in a commercial area of Harrow. Other properties within the terrace have commercial operations at ground floor level.

5. The property has a flat roof, with parapet and finial details. This is reflective of the other units in the terrace, other than that located at the junction of Station Road and St John's Road which is currently occupied by Lloyds Bank and features a mansard style roof extension. Overall, the character of this terrace of properties is one of uniformity, and this character and rhythm contributes positively to the wider streetscape, particularly as Station Road is otherwise characterised by a wide range of building types, scale and ages, with no distinct identity.
6. The proposed development would incorporate a flat roof extension incorporating flat roof dormer projections. This roof extension would occupy the entirety of the existing flat roof space and would represent a significant addition to the building. As the appeal site is located at a mid-point within this terrace of properties, the proposed roof extension, due its height and design, would appear as a prominent feature and would interrupt the rhythm of the terrace to a significant degree. This would erode the strength of positive character that currently exists.
7. Another unit within the terrace, currently occupied by Lloyds Bank, also features a significant roof extension. However, it is located at the end of the terrace, is a larger property and forms a landmark corner building at the junction of Station Road and St John's Road. The roof extension in that situation highlights the status of this building and assists in providing a bookend to the street. It is therefore not directly comparable to the appeal proposal.
8. As a result, the proposed development would result in harm to the character and appearance of the area. Accordingly, it would conflict with Policies D3(1) and D3(11), of The London Plan 2021 (LP), Policy CS1.B of the Harrow Core Strategy 2012 ('Core Strategy'), Policy AAP2 of the Harrow and Wealdstone Area Action Plan 2013 (AAP), and Policies DM1.A and DM1.B of the Harrow Development Management Policies Local Plan 2013 (DMP). Together, and amongst other criteria, these policies require new development to make a positive contribution to the environment and identity of the Station Road sub-area, enhance local context and respond positively to local distinctiveness and character, and achieve a high standard of design.

Living Conditions

9. The proposal would result in two single bedroom flats being created, one at first floor level, and the other within the proposed roof extension. Both flats would be accessed via shared first floor access reached by means of an existing gated rear alleyway and external staircase.
10. Existing commercial units which address an area of public realm to the southeast of the appeal site present rear elevations to the alleyway, which is also set at a lower level. This gives the alleyway an enclosed nature, and at my site visit there did not appear to be any street lighting within this space. The Metropolitan Police have indicated that the area in the immediate vicinity of the appeal site is experiencing a high volume of violent crime, burglary, theft, criminal damage, motor vehicle crime and anti-social behaviour.
11. Although the appellant has indicated that external lights would be provided within the alleyway, there is no indication whether the alleyway beyond the appeal site would be within the control of the appellant. Accordingly, it is

unclear as to whether the installation of such lighting could be achieved, and I can afford this commitment very little weight.

12. As a result of the narrow, enclosed and unlit nature of the alleyway, which would include only limited surveillance, the access to the appeal site would not be inviting. This arrangement, if the suggested levels of anti-social behaviour were to occur, leads me to consider that access to the proposed flats would also give rise to the fear of crime. Accordingly, the proposal would not provide a suitable means of access.
13. In terms of the proposed standard of accommodation, the parties agree that the size of rooms proposed within each flat, would be acceptable in terms of floor area. However, the Council is concerned that it has not been demonstrated that the proposed flats would incorporate an adequate floor to ceiling height.
14. The provided plans provide only an indication of the external appearance of the proposal, along with internal floor plans. However, from these drawings, it is not possible to discern with any degree of accuracy any internal floor to ceiling heights. Whilst I acknowledge that the appellant has advised that the proposed development would accord with the ceiling height standards of 2.5m across 75% of the proposed floorspace, as set out in the London Plan, there is no evidence before me that would demonstrate that this would be the case. Accordingly, I cannot be certain that the proposed accommodation would be of a suitable standard.
15. I have found that the proposed development would fail to provide to suitable for living conditions for future occupiers with regard to means of access, and the standard of accommodation. It would therefore be contrary to LP Policies D3 and D6, Core Strategy Policy CS1, AAP Policies AAP2 and AAP4, and DMP Policy DM1, which together and amongst other criteria require new development to achieve a high standard of design. They also require new development to provide safe, secure and inclusive environments, include indoor and outdoor environments that are comfortable and inviting for people to use, incorporate Secure by Design principles, and require internal space to meet the stated minimum standards.

Refuse Storage

16. The provided plans indicate that space would be provided within the rear alleyway and beneath the external staircase, for storage of two 1100L Eurobin to serve both flats, as well as the ground floor commercial use. The plans provide no indication of any screening or demarcation.
17. The evidence before me indicates that the proposal to provide a single 1100L bin to serve both flats would not be a suitable arrangement as provision for a separate recycling bin would also be required. However, even though not indicated on the provided plans, it would appear that there would be sufficient space within the appeal site to accommodate additional recycling facilities, whether that be a single shared or two smaller receptacles.
18. As no demarcation or separation of bin storage space is proposed, even were sufficient receptacles to be provided, the possibility of waste relating to the residential properties becoming mixed with commercial waste from any ground floor commercial use would exist. This, in turn, could lead to insufficient

capacity for waste storage in relation to the residential properties, and lead to inappropriate storage of waste within the alleyway.

19. The Council have referred to Core Strategy CB1 in relation to this issue, and whilst this policy contains a number of design principles, it makes no specific reference to this particular matter.
20. Accordingly, the proposal would fail to make adequate provision for the storage of waste. It would therefore be contrary to LP Policy D3, DMP Policies DM1 and DM45 and AAP Policy AAP4, which together and amongst other matters, require new residential development to provide satisfactory provision for the disposal and storage of waste and recycling, efficient servicing and maintenance of buildings, and waste storage facilities that are located and screened to avoid nuisance and visual impact.

Flood Risk

21. The Council have indicated that the appeal site lies within Flood Risk Zone 3A. Footnote 55 of the Framework clarifies that site-specific flood risk assessments should be provided for all development in Flood Zones 2 and 3. The provision of site-specific flood risk assessments, where required, allows the level of flood risk to be understood, whether residual risk can be safely managed, and whether safe access and egress could be achieved.
22. The proposal does not include a site-specific flood risk assessment. Accordingly, it is not possible to assess the effect of the development upon flood risk, including whether future occupiers of the proposed development would be provided with a dry means of escape.
23. As the proposed development would provide only a single means of access to the proposed residential flats, without understanding the potential level of flood risk and whether a dry means of escape could be provided for future occupiers, this is not a matter that would be suitable for control by means of planning condition.
24. Accordingly, the proposal would be contrary to DMP Policies DM9, LP Policy SI12 and Core Strategy Policy CS1, which together require new development proposals to minimise and mitigate flood risk, and where a flood risk assessment is required, to demonstrate that the development would be resistant and resilient to relevant sources of flooding.

Other Matters

25. The site is located such that it would have good access to services, facilities and public transport. It would also assist in the maintaining the vitality of the commercial area within which it would be located. It would also provide a boost to housing supply. However, these matters are some of those that must be considered and do not, therefore, overcome my conclusions in respect of the main issues.
26. I also note the appellant's concerns with the manner in which the planning application was administered by the Council. However, this falls outside the scope of this appeal.

Conclusion

27. The proposed development would conflict with the development plan and there are no material considerations, including the Framework, which would outweigh this conflict. The appeal should therefore be dismissed.

C Harding

INSPECTOR