



Appeal Decision

Site visit made on 18 January 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/M5450/W/22/3305179

34-38 Pinner Road, Harrow HA1 4HZ

- 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 Hencap (West Country) Limited against the decision of Harrow Council.
 - The application Ref P/0058/21, dated 11 December 2020, was refused by notice dated 25 May 2022.
 - The development proposed is Change of use of existing building to supported housing (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This decision considers evidence referring to people with protected characteristics and this proposed development has the potential to affect these groups. I am required to have due regard to the Public Sector Equality Duty under Section 149 of the Equality Act 2010. I will therefore refer to these protected groups as 'specific user group' to protect their sensitive data.
3. The original proposal has been changed since the determination of the application. The matters that have changed throughout the application and appeal process are material, in particular the number of occupiers, and the intended specific user group(s). The evidence is also limited in regard to the suitability of the standard of accommodation and whether there is a choice for a diverse range of future occupiers. Although the amended scheme remains within the broad parameters of supported housing I have no substantive evidence that the necessary consultation was conducted on the most recently proposed specific user group.
4. Within this context I am mindful of the Wheatcroft Principles derived from *Bernard Wheatcroft Ltd v SSE* (1982). In the interests of fairness, this appeal must be determined upon the basis of the plans submitted to the Council and upon which it based its decision, which have been subject to consultation and not the suggested amendments. To do otherwise could unacceptably prevent interested parties being consulted on the amended plans. Therefore, the basis on which I have dealt with this appeal is on the scheme determined by the Council.

Application for costs

5. An application for costs was made by Harrow Council against Hencap (West Country) Limited and this is the subject of a separate decision letter.

Main Issue

6. Whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to specific user groups, suitability of accommodation, and internal space.

Reasons

7. The appeal property comprises of two combined semi-detached properties located in a busy, urban area with a mix of commercial, community and - most predominantly - residential properties. The host property reflects the prevailing pattern of the built form.
8. The appeal site faces onto Pinner Road, and is enclosed by a mix of adjacent residential, religious and commercial properties with Harrow Park Recreation Ground to the rear and an access driveway to this park adjacent to the appeal site. The appeal site is located in close proximity to Harrow Town Centre and Harrow-on-the-Hill underground and Railway Station.
9. As originally submitted to the Council, proposed is a change of use of a hotel (Use Class C1) to supported housing in multiple occupation, comprising a series of minor alterations to the internal layout of the host property, including the removal of an internal dividing wall to create a communal space/kitchen with new patio doors, and change of use from kitchen/laundry to staff kitchen/toilet and store to staff office on the ground floor. On the first floor the changes comprise the conversion of two bedrooms to communal lounges with the loss of kitchen facilities, and kitchen to communal kitchen as well as a new dormer on the second floor.
10. The submitted evidence is conflicting in terms of the proposed level of occupancy of the host property, management details and intended user group(s).
11. The evidence indicates that there has been a change of operators from Big Help Project to Lotus Sanctuary. There is limited evidence outlining the management details of the proposed scheme in the Lotus Sanctuary operators' letter and no management plan has been provided.
12. Policy H12.A requires that supported and specialised accommodation should be designed to satisfy the requirements of the specific use or group it is intended for, whilst providing options within the accommodation offer for the diversity of London's population. The submitted documents indicate that the intended specific user group(s) have changed several times throughout the application and appeal process and the number of rooms to be provided has also changed. Therefore, it is not clear whether the applicant is applying for 'self-sufficient' accommodation with kitchen facilities, communal facilities and support. Or, if the proposal would provide a shared form of living, with residents having their own room with kitchenette, with communal facilities and support. This conflicting information regarding level of occupancy, management details and intended specific user group(s) does not clarify whether the proposal meets the requirements of a specific user group or provide a suitable standard of

accommodation for future occupiers. However, there has been no change in the drawings since the original application despite different user groups having different needs and facility requirements which should be considered as part of the layout design of the proposed development.

13. The drawings indicate that the majority of residents would have their own bedroom, lounge, bathroom and kitchenette facilities. However, there is a room on the second floor without a kitchenette so future occupiers of that room would be wholly reliant on communal facilities. Given the nature of kitchenette facilities, there would be a wider reliance on the limited number of communal kitchens of varying sizes, which given the number of residents would place substantial pressure on these facilities. The consequence of this is that future occupiers would have insufficient access to full kitchen facilities, adversely affecting their living conditions.
14. The appellant's statement of case refers to future occupiers with mobility impairments. However, the drawings do not indicate which bedrooms would provide for this specific user group, for instance, they do not provide detailing on ramp access on the ground floor. This limits the site's suitability for meeting the needs of a diverse range of future occupiers.
15. I therefore consider that there is insufficient evidence before me that the proposal has been designed specifically for the requirements of the proposed specific user group identified in the statement of case, nor whether it would provide suitable standard of accommodation for a diverse range of future occupiers as sought in Policy H12.A of The London Plan (March 2021).
16. In the absence of sufficient evidence, I cannot be certain that the proposed development would meet the needs of the specific user group or provide suitable standard of accommodation with a choice for a diverse range of future occupiers. Therefore, the proposed development is contrary to Policy H12.A of The London Plan (March 2021) and policy DM1.D(g) of the Harrow Council Development Management Policies (2013). Policy H12.A supports the delivery, retention and refurbishment of supported and specialised housing which meets identified need and satisfies the requirements of the specific use or group, while providing options for the diversity of London's population. Policy DM1.D(g) seeks an adequate standard of internal layout of buildings in relation to the needs of future occupiers. The proposed development also conflicts with the high-quality design aspirations of The Framework.

Other Matters

17. The proposal is acceptable in terms of the loss of existing use and in providing supported housing, but this is a neutral matter in the determination of the appeal and would not outweigh the policy conflict identified above.

Conclusion

18. For the above reasons, the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

J Wellstead

INSPECTOR