



Appeal Decision

Site visit made on 5 April 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/M5450/W/22/3308413

53 Wood End Avenue, Harrow HA2 8NU

- 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 I Muntasir of the 3M Group Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2272/22, dated 15 June 2022, was refused by notice dated 24 August 2022.
 - The development proposed is a single storey side to rear extensions, front extension incorporating front porch and alterations to the boundary wall along with conversion into two flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the site visit it was apparent that some works at the appeal property have already been undertaken. From the evidence and site history, these appear to have been approved following the grant of Certificates of Lawful Development and/or granted planning permission following separate applications. As I do not have the full details of these other proposals before me, and the appellant has indicated that there are some differences, I have assessed the proposed development as shown on the submitted plans.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the future occupants of the first floor flat with particular reference to the provision of private outdoor open space.

Reasons

4. The appeal property is an existing semi-detached house located within an established residential area. The existing house spans the entire width of the appeal site as would the proposed development. Amongst other things, the proposal would involve the conversion of the appeal property into two flats.
5. Future occupants of the ground floor flat would have access to the rear garden, but because of the layout and the fact that the ground floor accommodation spans the width of the appeal site, occupants of the first floor flat would not. As a result, future occupants of the first floor flat would not have access to a useable outdoor space where they would be able to sit, relax and enjoy the outdoors in relative privacy.

6. The appellant sets out that they could access the front garden where there is an area of soft landscaping. Notwithstanding that this area would meet the relevant space requirements, it would not be sufficiently private and as it would be close to the proposed parking area and refuse bins it would not provide a desirable outside space. I am also not persuaded that additional landscaping would sufficiently ameliorate the situation. Consequently, the lack of private useable outdoor open space would harm the living conditions of the future residents of the first floor flat.
7. The appellant emphasises that the appeal site is within an easy walk of several public open spaces, including Wood End East, Wood End West and Roxeth Recreation Grounds and Alexandra Park. These spaces are within a reasonable distance of the appeal site and would provide outdoor recreational opportunities. However, these are public areas and would not adequately overcome the harm that would result from the fact that future occupants of the first floor flat would not be able to access appropriate private outdoor open space.
8. The appellant also highlights examples where planning permission has been granted elsewhere in the Borough on the basis of accessibility to public open space. However, I note that in both the other examples (the studio at 47 Wigton Gardens and the one bedroom flat at 99 Kenmore Avenue), the first floor accommodation that does not have access to private outdoor space is smaller and it was assumed by the Council they would accommodate less people than the proposed first floor flat here. Therefore, those other examples are materially different from this case. In any event, this case is determined on its own particular merits and the fact that planning permission has been granted at other sites in the Borough does not justify harmful development at the appeal site.
9. I therefore conclude that the proposed development would harm the living conditions of future occupiers of the first floor flat due to the lack of access to a private outdoor open space. It therefore conflicts with Policies D3 and D6 of the London Plan - The Spatial Development Strategy for Greater London March 2021 (the London Plan) and Policies CS1 of the Harrow Core Strategy February 2012 and Policies DM1 and DM26 of the Harrow Council Development Management Policies July 2013. These seek to ensure that development is of a high standard that delivers appropriate privacy and amenity and sets minimum standards for the provision of private outdoor space which should be practical in terms of its shape and utility, should be useable and offer good amenity.
10. The proposal would also conflict with the guidance contained in the Harrow Residential Design Guide SPD which seeks to ensure that all converted flats have access to a garden and advises that front gardens are not considered to be appropriate as amenity space due to the lack of privacy.

Other Matters

11. I consider that the proposed extensions and other alterations would be acceptable in planning terms. The appellant also highlights that in many respects the proposal would be acceptable as it is in a sustainable location; it would increase smaller housing stock in line with housing growth objectives; it would not have an adverse impact on the character and appearance of the area; it would meet minimum internal space standards and landscaping works; it would be acceptable in drainage and highway terms; and details relating to

bin and cycle storage would be acceptable. The appellant also points out that in relation to these matters the proposal complies with the National Planning Policy Framework (the Framework). However, the Framework also seeks to ensure that development provides a high standard of amenity for existing and future users. So overall while I have taken account of these other matters, they do not justify harmful development at the appeal site.

Conclusion

12. For the reasons given above, the proposal would be harmful to the living conditions of future residents of the first floor flat due to a lack of private outdoor open space. Overall, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made otherwise in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR