



Appeal Decision

Site visit made on 29 November 2022

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/M5450/W/22/3293724

89 Weston Drive, Stanmore HA7 2EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Shooker against London Borough of Harrow.
 - The application Ref P/2063/21, is dated 13 May 2021.
 - The development proposed is conversion of dwellinghouse to 3 flats with refuse, cycle storage and landscaping/amenity space and a single and two storey side extension; single and two storey rear extension; two storey side infill extension; external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of dwellinghouse to 3 flats with refuse, cycle storage and landscaping/amenity space and a single and two storey side extension; single and two storey rear extension; two storey side infill extension; external alterations at 89 Weston Drive, Stanmore, HA7 2EW in accordance with the terms of the application, Ref P/2063/21, dated 13 May 2021, subject to the following 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: A3-03677-01, A3-03677-03 rev C, A3-03677-04, A3-03677-06, A3-03677-08, A3-03677-09 rev D.
 - 3) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area

Preliminary Matters

2. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale.
3. Amended plans were submitted with the application. These vary the internal layout of the proposed flats, provide additional construction details, vary the layout of the rear gardens and the location of the bin storage. The amendments are minor in nature and do not materially alter the proposal. They were submitted with the application and the Council and interested parties have therefore had the opportunity to comment on them. Consequently, I am satisfied that no prejudice would occur to any party as a result of my consideration of their content, accordingly I am determining the appeal on the basis of the most recent version of the plans.

Background

4. The Council has not stated whether it would have approved or refused planning permission for the proposed development. However, the Council has provided copies of the development plan policies it considers as being relevant to the determination of the appeal. In addition, the appellant has provided copies of email exchanges with the Council. These include a draft reason for refusal. In the absence of any evidence, information or response to the appellant's evidence from the Council, I have derived the main issues from this draft reason for refusal.

Main Issues

5. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - Whether future occupiers of the proposed flats would have satisfactory living conditions with particular regard to garden space.

Reasons

Character and appearance

6. The appeal house is a detached property in a row of similarly designed houses. From the rear garden of this house at my site visit I could see other houses with rear double and single storey extensions.
7. Policy DM1 of the London Borough of Harrow Development Management Policies Local Plan adopted July 2013 (HCDM) amongst other things, requires development to have regard to massing, bulk, scale and height, external materials and the context provided by neighbouring buildings and the pattern of development.
8. The sub-division of the garden would not impact on the pattern of built development experienced from the public realm and would only be visible from the rear windows of adjacent houses. Consequently, the impact of subdividing the garden on the established character and prevailing pattern of development would be very limited. The two-storey element of the proposed extensions would be lower than the main roof and subservient to the original design. Both the double and single storey elements would be similar to those at neighbouring houses. The materials are proposed to match the original house and for these reasons the extensions would reflect the appearance and context of others within the same row, some of which already have similarly designed double and single storey extensions.
9. The London Borough of Harrow Council, Supplementary Planning Document Residential Design Guide adopted December 2010 (SPD) states that "The preferred solution is to site these bins at the rear or side of the building and, where such a solution is possible, use of the forecourt for this purpose will not be acceptable". However, there are exceptions, and the SPD also states, "where siting of bins on the forecourt is unavoidable then consideration will be given to the number of bins to be accommodated". In this instance one of the bin stores is proposed to be located at the front. This would be no different to how bins are stored at other houses in the same row which are in single

occupancy, and the appeal proposes that bin storage for two of the flats are located within their respective gardens, so would be hidden from public view.

10. As such, I conclude that the proposed development would not harm the character or appearance of the surrounding area. There is no conflict with Policy CS1B of the Harrow Council Core Strategy February 2012 (HCCS), policies DM1, DM26 and DM27 of the HCDCM, and guidance provided in the SPD. These policies and this guidance seek, amongst other things, that all development and change of use proposals must achieve a high standard of design and layout. The London Plan (2021) is referenced in the draft refusal reason, but the Council has not provided a copy of the document or any evidence to substantiate how the development would not accord with it, so it is not determinative in my decision.

Living conditions

11. The development proposes the subdivision of the rear garden to provide three separate garden parcels. Policy DM26 of the DMPLP requires that house conversions to multiple homes preferably have subdivided gardens for each home and that there is space for bin storage provided. Paragraph 5.16 of The SPD requires that the garden area nearest to the house serves the ground floor flat and that garden subdivisions meet the needs of all occupants.
12. The garden nearest to the appeal property would serve the ground floor flat and the other two garden spaces would be accessed by a proposed side alleyway within the appeal site boundary. The subdivided garden sizes would be 47m² each, all would have provision for cycle storage lockers, two would have timber bin storage boxes and all would have sufficient private space for occupiers of the flat to sit out in, and for drying clothes. Consequently, the proposed development would meet the Council's standards for house conversions and rear subdivided garden space and would provide suitable and useable provision for future occupants.
13. The Council in their email exchanges with the appellant quote a planning decision¹ and a planning appeal² to highlight the importance of the quality of amenity space. The appellant responded that development proposed in relation to the planning decision included amenity space provision of as little as 9.2m² and that the planning appeal proposed narrow rear gardens, so both were different. Based on the evidence before me I agree that the details of these cases are different to this appeal and these other decisions therefore attract limited weight in my determination.
14. For these reasons, I conclude the proposed garden layouts and sizes would provide satisfactory living conditions for future occupants. As such there is no conflict with Policy CS1b of the HCCS, Policy DM1, DM26 and DM27 of HCDCM, and guidance provided in the SPD. These policies and this guidance seek, amongst other things, to ensure the provision of appropriate space to secure privacy and amenity. For the reasons I explain in my previous conclusion The London Plan (2021) is not determinative in my decision.

¹ 2 Paulhan Road P/3736/20

² 5 Weald Lane APP/M5450/W/19/3221993

Conditions

15. I have imposed a condition specifying the approved plans as this provides certainty. A previous planning permission³ for similar extensions at the appeal site was provided to me by the appellant and which included a condition to ensure that a balcony was not created on the roof of the extension. I impose the same condition to this appeal in the interests of preventing overlooking to neighbouring occupiers' gardens.

Conclusion

16. For the reasons given above and having had regard to the development plan as a whole and all other matters, I conclude that the appeal should be allowed.

S Crossen

INSPECTOR

³ P/2875/20