



Appeal Decision

Site visit made on 24 May 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 04 July 2023

Appeal Ref: APP/M5450/W/22/3311099

32 Francis Road, Harrow HA1 2QX

- 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 Zakaa Hussain against the decision of London Borough of Harrow.
 - The application Ref P/3151/22, dated 1 September 2022, was refused by notice dated 2 November 2022.
 - The development proposed is the erection of a single storey front extension and conversion of property into 2 x self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the future occupants of the proposed first floor flat with particular regard to access to private outdoor space.

Reasons

3. The appeal property is a semi-detached house located within an established residential area which spans the entire width of its plot.
4. Future occupants of the proposed ground floor flat would have access to the rear garden, but because of the proposed layout and the fact that the ground floor accommodation spans the width of the appeal site, occupants of the proposed first floor flat would not.
5. Even if I accept the proposed first floor flat would not be a family sized unit but would be a two-bed 3 person flat, nevertheless future occupants would not have access to a useable outdoor space where they would be able to amongst other things sit, relax, store items, dry clothes and comfortably enjoy the outdoors in relative privacy. This would unacceptably harm the living conditions of future occupants of the proposed first floor flat.
6. The appellant highlights that the Local Development Framework – Supplementary Planning Document -Residential Design Guide (SPD) says that functional amenity space should be provided wherever possible. However, in the very next sentence the SPD sets out that it seeks to ensure that all flats (except for the conversion of maisonettes above shops and mid terraced properties) have access to a garden most likely in the form of a subdivision of an existing garden.

7. The SPD also recognises that amenity space is a highly valued component of living in the outer London suburbs and that the amount of amenity space to be provided will be informed by the Mayor of London's standards and the needs of the future occupants of the development. Policy D6 of the London Plan - The Spatial Development Strategy for Greater London March 2021 (the London Plan) sets out that where there are no higher local standards, a minimum of 5 sq.m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m should be provided for each additional occupant.
8. The fact that the proposal would not provide any private outdoor space for the first floor flat is clearly at odds with the relevant policy of the London Plan. Further, the appeal property is a semi-detached property and although it has been extended across the full width of the plot, that does not justify an exception being applied here to allow harmful development at the appeal site which would not adequately meet the needs of the future occupants of the proposed first floor flat. Further, there is no substantive evidence to suggest it would be impossible to provide access to an appropriate amount of private outdoor space for each dwelling. So, overall, the proposal would also conflict with the guidance contained within the SPD.
9. I therefore conclude that the proposal would harm the living conditions of the future occupiers of the proposed first floor flat due to the lack of access to private outdoor space. The proposal therefore conflicts with Policy D6 of the London Plan and Policy DM27 of the Harrow Council Development Management Policies July 2013. These seek to ensure that development is of a high standard that delivers appropriate amenity space and sets minimum standards for the provision of private outdoor space which should be practical in terms of its shape and utility. For the reasons given above, the proposal would also conflict with the guidance contained in the SPD.

Other Matters

10. The appellant highlights examples where planning permission has been granted elsewhere in the Borough. However, I note that in the other examples, one involved a mid-terrace property and the other involved development above a shop. As a result, they appear to fall within the type of property identified for an exception in the SPD. Also, I note in both other examples, 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, the other examples are materially different from this case. In any event, this case is determined on its own merits. The fact that planning permission has been granted at other sites in the Borough does not justify harmful development at the appeal site.
11. The appellant highlights that in many respects the proposal would be acceptable, and it would result in an increase in smaller housing stock within the Borough. However, this does not justify harmful development at the appeal site.

Conclusion

12. For the reasons given above, the proposal would harm the living conditions of the future occupiers of the proposed first floor flat due to the lack of access to private outdoor 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