



Appeal Decision

Site visit made on 16 May 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/M5450/W/22/3312932

23 Bell Close, Harrow, Pinner HA5 2AQ

- 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. Gajjar & Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3439/22, dated 29 September 2022, was refused by notice dated 5 December 2022.
 - The development proposed is conversion of dwellinghouse into two flats; conversion of garage into habitable room with alterations to front elevation; single storey rear in-fill extension; two storey part rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of dwellinghouse into two flats; conversion of garage into habitable room with alterations to front elevation; single storey rear in-fill extension; two storey part rear extension, at 23 Bell Close, Harrow, Pinner HA5 2AQ in accordance with the terms of the application, Ref P/3439/22, dated 29 September 2022, subject to the conditions listed in the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposed alterations to the front elevation on the character and appearance of the area.
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to the vertical stacking of room types, floor to ceiling heights, and privacy and security to the front ground floor windows.

Reasons

Character and appearance

3. The appeal site is a semi-detached house at the end of a cul-de-sac comprising predominantly of other semi-detached properties. The house has been extended, including a 2-storey side extension incorporating a ground floor garage.
4. Whilst the neighbouring dwellings have a degree of uniformity to their appearance, they contain various architectural details, including a range of front bay window styles, some of which are topped by gables. Houses have been extended and altered in various ways, including a variety of porches and

differing arrangements for front gardens and parking. Neighbouring dwellings also feature a wide-ranging palette of facing materials including brick and various forms of render, including some contemporary renovations. Cumulatively, though the houses largely retain their traditional semi-detached appearance, there is a strong degree of individuality to many dwellings that forms an intrinsic part of the area's character.

5. The property currently features 2 front doors adjacent to one another. One appears to be in its original position, the other within the extended part of the dwelling next to the garage door. The proposal would involve the erection of a porch to the front of the building which would again contain 2 front doors. The proposal would also involve removing the existing garage door and replacing it with a window to serve the ground floor bathroom, and a door to provide access to a passageway to the rear garden. This would be situated to the right-hand side of the building when viewed from the street.
6. Although there are limited examples of nearby properties with 2 front doors next to each other, this would be no different to the existing arrangement. The existing 2-storey side extension is wider than many others in the street and, unlike many neighbouring extensions, sits flush with the original front elevation. As a result, although the proposal would add additional features in the form of doors and windows to the front elevation, these would be appropriately spaced and would not appear unduly cluttered. Moreover, the porch would be stepped outwards and the position of the doors moved slightly to the left. This would visually separate the doors accessing the flats from the door accessing the rear garden.
7. Some neighbouring dwellings feature doors in a similar position to the door providing access to the rear. As such, it would not appear inherently uncharacteristic. Whilst I note the Council has suggested it would be desirable to see the existing garage door retained to provide bin or cycle storage, I must assess the proposals based on the plans before me. Furthermore, I note the Council has not refused the application based on inadequate bin or cycle storage.
8. For the reasons above, the proposal would not harm the character and appearance of the area and would accord with Policies D3.D(1) and D3.D(11) of the London Plan – March 2021 (the LP), Policy CS1.B of the Harrow Core Strategy – February 2012 (the CS), and Policy DM1 of the Harrow Council Development Management Policies – July 2013 (the DMP). Together these policies seek, among other objectives, to deliver buildings and spaces that positively respond to local context, distinctiveness and character, and to achieve a high standard of design and layout. The proposals would also comply with the provisions of the National Planning Policy Framework (the Framework) and the guidance of the Harrow Residential Design Guide SPD – 'Design and Layout Guidance for New Residential Development 4' (the SPD), which have similar objectives.

Living conditions

9. The SPD notes that the vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Similarly, Policy DM26(b) of the DMP seeks to secure the separation of bedrooms and other room uses between homes within the development and

- neighbouring dwellings having regard to the adequacy of any measures to prevent noise transference.
10. The property would be split into 2 flats, with Flat A occupying the ground floor and Flat B occupying the first floor. The largest bedroom of Flat B would be situated above the shower/WC of Flat A, with the Council noting this would create substantial vertical stacking between incompatible room types that could not be addressed by enhanced noise insulation.
 11. Both the SPD and DMP appear primarily concerned with preventing the transfer of noise into bedrooms. In this case, I have been provided with limited substantive evidence as to how the ground-floor shower/WC would unacceptably harm the living conditions for occupiers of the first-floor bedroom. The appellant's statement notes that the Building Regulations would secure appropriate insulation to resist the passage of sound, and I acknowledge that this would comprise internal works secured through a separate regulatory regime. Given that the proposed development would be of a small scale and there would be no additional living accommodation above the bedroom, the potential for unacceptable noise transfer would be limited. As such, I do not find the arrangement of rooms would result in unacceptable living conditions for future occupiers.
 12. The supporting text to Policy D6 of the LP advises that housing development requires a minimum ceiling height of 2.5m for at least 75% of the gross internal area.
 13. Section drawings have been provided with the appeal demonstrating that the flats would benefit from a ceiling height of 2.5m. Although these details were not before the Council when determining the planning application, I do not find them to materially alter the development under consideration as they merely provide clarification. On the basis that the proposal is the conversion of an existing house, ceiling heights would be similar to those currently enjoyed by residents. Even considering the potential for some reduction in headroom through the inclusion of sound insulation, any reduction would be negligible, and I have no compelling evidence that it would fall below the 75% requirement of Policy D6. I am also in possession of no substantive evidence to demonstrate the proposals would fail to meet the Technical Housing Standards – Nationally Described Space Standard. As such, the proposed ceiling heights would be acceptable.
 14. The Council raise concern with the lack of defensible space in front of the ground floor windows serving Flat A, and the effects on occupiers' privacy and security. The frontage of the property is currently hard surfaced and used for parking. The parking space for Flat A would be in front of the Flat A living room window, with the Flat B parking space in front of the Flat A WC/shower room window.
 15. Although there would be a parking space directly outside of the Flat A living room window, this would be for the use of that flat's occupiers and would be similar to the arrangement currently in place at the host property and several other properties in the street. The Flat B parking space would be directly outside of the Flat A WC/shower room. However, this window would be obscure glazed and non-opening below 1.7m to protect the privacy and security of occupiers. I have no compelling evidence to demonstrate that the proposed arrangement would fail to follow Secured by Design Principles. As such, I do

not find the proposed arrangement would adversely affect the privacy or security of future occupiers.

16. For the reasons above, the proposed development would provide acceptable living conditions for future occupiers and would accord with Policies D3.D(7) and D6 of the LP, Policy CS1 of the CS, and Policies DM1, DM23 and DM26 of the DMP. Together these policies seek, among other objectives, to deliver appropriate outlook, privacy and amenity, for housing development to be of high-quality design and to meet internal space requirements, to arrange rooms to prevent noise transference, for proposals involving hard surfacing of front gardens to respect the character of the area, and for conversion proposals to provide a satisfactory standard of accommodation and contribute positively to their surroundings. The proposed development would also comply with the guidance in the SPD, which has similar aims.

Other Matters

17. I am in receipt of representations from interested parties covering matters including the principle of development, its potential to set an unwelcome precedent for future development, and effects on the living conditions of neighbouring occupiers. The Council did not consider these matters to comprise reasons to refuse the planning application and, based on the evidence before me, I am not persuaded to reach a different conclusion on these matters.
18. I also note concerns relating to increased parking demand. The Council's officer report notes the development would be, on balance, acceptable with regard to parking, and I have no substantive evidence before me to reach a different conclusion. The officer report also notes that if the application was considered acceptable in all other respects, and if the local highway authority considered it necessary, the development could be parking permit restricted by way of a legal agreement. I have not been provided with any such legal agreement. However, on the basis that I have limited evidence to demonstrate this would be necessary, this matter would not be determinative to my decision.

Conditions

19. The Council has provided a list of suggested conditions that I have considered against the provisions of the Framework and the Planning Practice Guidance (the PPG). I have amended and omitted certain conditions where necessary to ensure compliance with the provisions of the Framework and PPG.
20. Conditions relating to the statutory time limit for implementation and a list of approved plans are necessary in the interests of clarity.
21. The plans illustrate that all external materials will match those of the existing building. A condition to secure matching materials can therefore be imposed to protect the character and appearance of the area, and there is no requirement to submit further details for materials.
22. The Council has suggested a condition to secure a fire safety statement, and I find this to be reasonable and necessary to ensure compliance with Policy D12 of the LP.
23. To protect the character and appearance of the area and the living conditions of occupiers, a condition requiring the submission of details of boundary treatments is reasonable and necessary.

24. Conditions requiring further details to be submitted for bin and cycle storage have been suggested by the Council to protect the character and appearance of the area and in the interests of highway safety and sustainable transport. On the basis that such details have been provided and are shown on the approved plans, and the Council has not explicitly referred to these matters in the reasons for refusal, I am satisfied that these details can be secured through compliance conditions.
25. A condition has been suggested by the Council requiring the submission of a landscaping scheme for the forecourt of the site. However, given that the forecourt is currently predominantly hard-surfaced and the proposals would not significantly change this, it is not necessary to submit further details. Furthermore, the approved plans show a sufficient level of detail for the scheme of landscaping.
26. No evidence has been provided by the Council to demonstrate why conditions are necessary to prevent windows being installed to the flank elevation and to restrict the use to Class C3 only. As such, I do not find these conditions to meet the relevant tests.

Conclusion

27. Taking all above matters into account, I conclude that the proposed development accords with the development plan taken as a whole and the appeal should be allowed subject to conditions.

P Storey

INSPECTOR

Schedule of 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:
 - RPUG.PA.2022.A101 Rev P01 – OS Map, Location Map
 - RPUG.PA.2022.A102 Rev P01 – Proposed Location Map – 23A
 - RPUG.PA.2022.A102 Rev P01 – Proposed Location Map – 23B
 - RPUG.PA.2022.A104 Rev P01 – Proposed Floor Plans
 - RPUG.PA.2022.A106 Rev P01 – Proposed Floor Plans
 - Proposed Triple Wheelie Bin Storage
 - Proposed Cycle Enclosure
- 3) The development hereby approved shall not be occupied until a Fire Safety Statement has been submitted to and approved in writing by the Local Planning Authority. This statement shall include details to ensure that the development:
 - identifies suitably positioned unobstructed outside space:
 - for fire appliances to be positioned on
 - for appropriate for use as an evacuation assembly point
 - is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
 - is constructed in an appropriate way to minimise the risk of fire spread
 - provides suitable and convenient means of escape, and associated evacuation strategy for all building users
 - has a robust management strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
 - provides suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The measures set out in the statement shall be implemented prior to first occupation of the development and retained thereafter.
- 4) The development hereby approved shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected for the rear gardens has been submitted to and approved in writing by the local planning authority. The boundary treatment shall be

completed before the development is occupied in accordance with the approved details and retained thereafter.

- 5) The designated bin storage shown on the approved plans shall be installed prior to first occupation of the development hereby approved and retained thereafter. All refuse and waste bins shall be stored within these areas at all times thereafter, other than on collection days.
- 6) The designated cycle storage shown on the approved plans shall be installed prior to first occupation of the development hereby approved and retained thereafter for the parking of cycles.
- 7) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

**** End of conditions ****