



Appeal Decisions

Site visit made on 16 May 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2023

Appeal A Ref: APP/M5450/W/22/3301356

Power House, 87 West Street, Harrow HA1 3EL

- 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 Bushey Sparrow Limited against the decision of the London Borough of Harrow.
 - The application Ref P/5002/21, dated 21 December 2021, was refused by notice dated 9 March 2022.
 - The development proposed is described as 'Development of an additional residential unit within the existing roof space and associated bin and bike storage'.
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Appeal B Ref: APP/M5450/W/22/3309259

Power House, 87 West Street, Harrow HA1 3EL

- 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 Bushey Sparrow Limited against the decision of the London Borough of Harrow.
 - The application Ref P/2191/22, dated 10 June 2022, was refused by notice dated 5 August 2022.
 - The development proposed is described as 'Construction of a residential unit within the existing roof space including the cut out of the roof to provide a door and window'.
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Decisions

1. **Appeal A** - The appeal is allowed and planning permission is granted for the development of an additional residential unit within the existing roof space and associated bin and bike storage at Power House, 87 West Street, Harrow HA1 3EL in accordance with the terms of the application, Ref P/5002/21, dated 21 December 2021, and the plans submitted with it, subject to the conditions in the attached schedule A.

Appeal B - The appeal is allowed and planning permission is granted for the construction of a residential unit within the existing roof space including the cut out of the roof to provide a door and window at Power House, 87 West Street, Harrow HA1 3EL in accordance with the terms of the application, P/2191/22, dated 10 June 2022, and the plans submitted with it, subject to the conditions in the attached schedule B.

Preliminary Matters

2. There are two appeals on this site. They differ only in the design of the proposed development. I have considered each proposal on its individual

merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

3. The Council's first refusal reason in appeal B relates to the fact that notice was not correctly served by the appellant on all owners of the land to which the planning application relates, specifically Eastern Power Networks plc (EPN), trading and UK Power Networks. Whilst they own the electricity substation, which the appellant's submissions confirm is excluded from the site, they benefit from an easement access arrangement over the land to access the substation.
4. Article 13 of the Town and Country Planning (Development Management Procedure)(England) Order 1995 requires notice to be served on an owner or tenant, and there is nothing to suggest that the person with an easement is an owner under the Town and Country Planning Act 1990. Therefore, I am satisfied the planning application was valid and consequently determine the appeal accordingly.
5. I note comments from interested parties that the development has commenced and deviates from the details shown on the submitted plans. For the avoidance of doubt, I have determined the appeal on the basis of the proposals before me. Whether or not development that has taken place accords with these drawings is a matter for the main parties to resolve outside of the appeal process. There is also uncertainty as to the lawfulness of rooflights shown on the 'existing' drawings and whether they benefit from planning permission. As they are shown on the proposed plans, I have treated them as part of the proposed development.

Main Issues

6. The main issues for both appeals are the effect of the proposed development on the character and appearance of the host building and the surrounding area, including whether the proposed development would preserve or enhance the character and appearance of the Harrow on the Hill Conservation Area (the CA) and whether the development would preserve the setting of the Old Pye House and Former St Mary's Mission Hall as Grade II listed buildings.
7. In respect of the appeal B proposal, there is an additional main issue which is whether the proposed development would provide acceptable living conditions for future occupiers, having regard to outlook.

Reasons

Character and appearance

8. The appeal site includes a group of red brick buildings and car parking located to the rear of the residential properties and Mission Hall which front West Street and those in Nelson Road. The buildings consist of a large 3 storey block, originally a power station and more recently converted from office to residential use, as well as more modest single storey dwellings.
9. The appeal site lies within the CA. The significance of the CA is derived from its high concentration of historic buildings of varying ages and architectural interest, together with its close historical associations with Harrow School. The area includes a compact and tight physical townscape characterised by narrow roads that run throughout the area's densely packed network of streets that

reflect the contours of the Hill. Glimpsed views of the rising ground which makes up the open space at Church Fields through gaps between buildings on West Street contribute to the character of the CA.

10. The building's industrial architecture reflects its former use as a power station. The main part of the building is made up of a series of flat roofs of varying heights. By contrast, the part of the building to which the appeal relates is a combination of pitched roofs which join at a right angle.
11. The proposals seek to convert an existing unused roof void within the pitched roof to a one bedroom studio flat including the provision of a dormer extension in appeal A and a recessed space to accommodate a door and window in the main pitched roof in appeal B and in both cases rooflights and roof terrace.
12. The proposed flat roof dormer in appeal A would be lower in height than the ridgeline of the existing building and would be set in from the side gables of the roof. Due to its size and siting it would represent a small proportion of the roof slope in which it would sit and would be a visually subordinate addition to the roof of the building. Whilst it would project beyond the plane of the roof, the dormer would not be an unduly dominant or anomalous feature.
13. The recessed nature of the new openings in appeal B would not alter the profile of the roof plane when viewed from the side elevation. The height of the glazed openings would be such that the void created would be only marginally above the eaves level of the roof. In addition, it would be largely screened by the lower pitched roof immediately in front of it.
14. Moreover, in both cases the proposed alterations to the adjoining pitched roof to form the terrace area would be largely contained within and screened by the remaining roof structure. The proposed rooflights to both elevations would also be discretely placed just above the eaves, largely screened by the existing parapet and pitched roof. Consequently, they would not have a significant effect on the overall appearance of the building.
15. For these reasons, I conclude the appeals A and B development would not harm the character and appearance of the host building or the surrounding area and would preserve or enhance the character or appearance of the CA. In this regard, they would accord with Policies D3(D(1) and D(11)) and HC1 of The London Plan adopted 2021 (LP), Policy CS1 (B) of the Harrow Core Strategy adopted 2012 (HCS) and Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan adopted 2013 (HDMP). Amongst other things, these policies aim to ensure development is of high quality design that respects the historic environment.
16. The development in both cases would also accord with the advice in the Supplementary Planning Document: Residential Design Guide adopted 2010 (SPD) which aims to ensure that new residential development is built to the highest quality and the Harrow on the Hill Conservation Area Appraisal and Management Strategy (2008) which seeks to ensure that the significance of heritage assets in the borough is conserved or enhanced. It would also reflect the aims and objectives of the National Planning Policy Framework (the Framework) in respect of the historic environment.
17. It has been suggested by an interested party that the building should be listed, however, it is not. In any case, I have found that there would be no harm

caused to the building's character or appearance, nor that of the surrounding area.

Setting of the listed buildings

18. The Grade II listed buildings the Old Pye House and the Former St Mary's Mission Hall are sited close to the appeal site. The Old Pye House is a timber framed pitched roof building. Its significance is informed by its age, it is the surviving part of one of the earliest properties in the CA, indicating the building line of the medieval route into the market town. The Mission Hall gains its significance from its architectural and historic interest including its unusual blend of influences and its historic role as an important community building.
19. The siting of the listed buildings is such that they have a visual relationship with the appeal site due to the intervisibility between them and the Power House building. The immediate setting of the listed buildings is defined by the existing built form comprising a mixture of architectural styles, ages and materials and varying roof forms. In relation to the appeal A development, the roof slope to which the proposals primarily relate would be visible in views from the footpath between the buildings on West Street, in which the listed buildings would be in the foreground. However, due to the scale and design of both the dormer and the recessed space, in combination with the new rooflight and terrace, together with their siting behind the parapet and remaining pitched roof, neither appeal A or B would change the appreciation of the listed buildings or harm their setting.
20. I therefore conclude that the proposals in both appeal A and B would preserve the setting of both the listed buildings and would not undermine their significance. In these regards it would accord with Policy HC1 of the LP in so far as it requires proposals affecting heritage assets, and their settings, to conserve their significance, Policy CS1 B of the HCS, which sets out that development shall respond positively to the local and historic context and the aims of Policy DM7 of the HDMP which supports proposals that secure the preservation, conservation or enhancement of heritage assets and their settings.

Living conditions of future occupiers (appeal B only)

21. The proposed studio flat would be served by a number of rooflights, an obscure glazed window and recessed door and window overlooking the enclosed terrace area. Despite the position of the proposed roof lights and the raised parapet wall they would provide an outlook, albeit of the sky. The door and window openings would be set back in the recessed space within the roof slope. Notwithstanding the restricted view from the openings to the sides, the glazed door would nevertheless allow an outlook through the gap in the parapet over the terrace and the lower part of the remaining pitched roof which it faces. Due to the size and open plan nature of the internal space, the number and type of openings overall would provide satisfactory living conditions for occupants of the property in terms of outlook.
22. For the foregoing reasons I conclude that the proposed development under appeal B would provide acceptable living conditions for future occupiers, having regard to outlook. In that regard the proposal would accord with Policies D3.D(7) and D6 of the LP, Policy CS1 of the HCS and Policies DM1 and DM27 of

the HDMP. Amongst other things these policies require development to achieve a high standard of design and layout, having regard to amenity.

23. It would also reflect advice in the SPD which among other things seeks to ensure proposals provide appropriate living conditions for future occupiers. The proposal would also accord with the aims and objectives of The Framework, including those which require new development to create places with a high standard of amenity for existing and future users.

Other Matters

24. Whilst I acknowledge comments made by interested parties regarding the extent of the existing development at the site, the Council has not raised concerns regarding the overdevelopment of the site, and I have no reason to disagree. Furthermore, whilst the dormer window would be seen from the adjoining residential properties, the outlook from the properties towards the wider landscape would not be meaningfully affected.
25. There is no compelling evidence that the proposal would interfere with the safety of the substation on the site, moreover, planning conditions regarding details of the cycle and refuse store will ensure such facilities are appropriately sited in relation to the substation and parking layout. The Council indicate that, due to the location and size of the property it is not deemed necessary to provide dedicated parking provision to serve the development in this instance, I have no reason to disagree.
26. I note comments that aspects of the proposal may obstruct of a legal right of way however this is a civil matter that falls outside of the planning regime.

Conditions

27. In addition to the standard condition relating to the commencement of development, it is necessary to specify the approved plans to provide certainty. There is potential for overlooking of nearby residents from an existing side window, so a condition is necessary to ensure the window would be obscure glazed to prevent any overlooking of the neighbouring properties. While it has been suggested that a further condition requiring a privacy screen to the terrace might also be necessary for this reason, the position of the proposed new window and door openings and terraced area, as well as the configuration of the remaining parts of the building and adjoining lower pitched roof, mean that this is not necessary.
28. Whilst the siting of the cycle parking is shown on the submitted drawings, a condition is necessary to secure detailed design and precise siting of these facilities to avoid conflict with the existing parking layout and substation. A condition is also necessary to agree details of a bin store, in order to secure the provision of appropriate refuse storage facilities to serve the development.
29. A condition is necessary to agree a Fire Safety Statement to ensure the development meets standards of fire safety in accordance with Policy D12A of the LP. The Council's suggested list of requirements, which is prescriptive and somewhat generic, is not included in order to allow the parties to agree details relevant to this proposal.
30. In the case of appeal A, a condition is also necessary to secure details of external materials, to ensure a satisfactory appearance to the development.

Conclusion

31. For the reasons given, I conclude that appeals A and B should be allowed.

E Worley

INSPECTOR

Schedule A

- 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: JM051_PL_0001, JM051_PL_1100, JM051_PL_1101, JM051_PL_1102, JM051_PL_1103, JM051_PL_1103, JM051_PL_1200 and JM051_PL_1201.
- 3) The dwelling hereby permitted shall not be occupied until the existing second floor window in the side wall of the building has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 4) Prior to the first occupation of the dwelling hereby permitted details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.
- 5) Prior to the first occupation of the dwelling hereby permitted details of arrangements for storage of refuse and recyclable materials (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.
- 6) The dwelling hereby permitted shall not be occupied until a Fire Safety Statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out and operated in accordance with the approved details in perpetuity.
- 7) Prior to the commencement of any external works, details (including samples) of the materials to be used for the external surfaces of the dormer window shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be permanently retained as such thereafter.

Schedule B

- 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: JM051_PL_0001, JM051_PL_1100, JM051_PL_1101, JM051_PL_1102, JM051_PL_1103, JM051_PL_1103, JM051_PL_1200 Rev 0 and JM051_PL_1201 Rev 0.
- 3) The dwelling hereby permitted shall not be occupied until the existing second floor window in the side wall of the building has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 4) Prior to the first occupation of the dwelling hereby permitted details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.
- 5) Prior to the first occupation of the dwelling hereby permitted details of arrangements for storage of refuse and recyclable materials (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.
- 6) The dwelling hereby permitted shall not be occupied until a Fire Safety Statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out and operated in accordance with the approved details in perpetuity.