



Appeal Decision

Site visit made on 24 August 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2023

Appeal Ref: APP/M5450/W/22/3310304

Kap House, 31 Elmgrove Road, Harrow HA1 2AR

- 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 Kap Homes Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1787/22, dated 5 May 2022, was refused by notice dated 26 July 2022.
 - The development proposed is described as "roof extension to create a single-storey extension over main building to provide six additional residential dwellings".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In addition to the items listed in the description above, various other matters are shown on the plans. Given the Council's chosen description of development, they clearly considered these other matters as part of the proposal and so no injustice will arise if I do too.
3. The appellant has submitted revised drawings as part of this appeal, which seek to improve accuracy, provide clarification, reconfigure the internal layout, include balcony screening and details of proposed materials. Although these plans do not change the external appearance of the scheme, or alter the mix of housing, as the Council and third parties have not had the opportunity to comment on the revised drawings, I cannot be certain that their interests would not be prejudiced if I were to accept them. Therefore, I have determined the appeal based on the plans submitted with the application to the Council and upon which the views of interested parties were sought.

Main Issues

4. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to internal space,
 - whether the proposed development would provide acceptable living conditions for existing occupiers of neighbouring properties on Elmgrove Road and Glenwood Close, with particular regard to privacy, and
 - the effect of the proposed development on the character and appearance of the appeal property and area.

Reasons

Living conditions future occupiers

5. Policy D6 of the London Plan 2021 (LP) requires a one-bedroom, one-person unit with a bathroom to have a minimum floor area of 39 sqm. This reflects the guidance within the Technical housing standards – nationally described space standard (NDSS) and is further reinforced within the Mayor of London Housing Supplementary Planning Guidance 2016 (SPD) and the Supplementary Planning Document: Residential Design Guide 2010 (RDG).
6. The six proposed flats would fall substantially below the minimum floor area requirement. The extent of the shortfall would result in cramped combined living and sleeping spaces for future occupiers of the apartments.
7. Even if I were to consider the submitted amended plans, the revised layout would result in a shortfall in floor area to all six apartments. Although the deficit would not be as substantial when compared with the plans the Council considered, it would nevertheless result in cramped combined living and sleeping spaces for future occupiers of those apartments.
8. For the above reasons, the proposed development would provide unacceptable living conditions for the future occupiers, with particular regard to internal space. This is contrary to Policies D3 and D6 of the LP, Policy DM1 of the Development Management Policies Local Plan 2013 (DMP) and the guidance within the NDSS, the SPD and the RDG. Collectively, these seek to ensure development delivers appropriate amenity, provides adequate sized rooms and meets minimum internal space standards. It is also contrary to the National Planning Policy Framework (the Framework), which seeks to create places with a high standard of amenity for future users.

Living conditions neighbouring occupiers

9. The rear elevation of Kap House is orientated at an oblique angle towards the shared boundary of the site that adjoins the side boundaries of properties on both Elmgrove Road and Glenwood Close. These properties are largely sited back-to-back, with their private rear gardens in between.
10. It is not uncommon in residential areas for views into neighbouring gardens being permissible from the upper floors of properties. Having regards to the layout and height of Kap House, there is already a degree of overlooking of the rear gardens of neighbouring properties from windows serving the existing flats within Kap House. However, the existing flats within Kap House are not served by balconies.
11. As a result of the elevated height and proximity to the shared boundary, the proposed balcony serving proposed unit No. 6 would provide direct and oblique views into and over most of the private rear gardens serving neighbouring properties on Elmgrove Road and Glenwood Close. The occupiers of these neighbouring properties would experience an unacceptable loss of privacy as a result.
12. The appellant has suggested the balcony and privacy screening details, as indicated on the amended plans, could be secured by condition. Even if I were to consider the submitted amended plans, although the revised layout would provide some screening sufficient to restrict views over the rear gardens of

properties on Elmgrove Road, it would still provide elevated views within close proximity over the rear gardens serving properties on Glenwood Close. Thereby resulting in an unacceptable loss of privacy for the existing occupiers of these neighbouring properties.

13. For the above reasons, the proposed development would provide unacceptable living conditions for the existing occupiers of neighbouring properties on Elmgrove Road and Glenwood Close, with particular regard to privacy. This is contrary to LP Policy D3, DMP Policy DM1 and the guidance within the RDG. Collectively, these seek to ensure developments deliver an appropriate and high standard of privacy. It is also contrary to the Framework, which seeks to create places with a high standard of amenity for existing users.

Character and appearance

14. Kap House is a prominent, former office building that has been converted into residential flats. It is comprised of a wide, four storey block, with an off-central six storey narrower block. The taller section, the tower, is cantilevered from first floor level and projects out from the front and rear of the main block. The tower is of a greater height than most other buildings in the area but does not appear dominant or excessive in scale due to its narrow width. As a result, and as highlighted by the Inspector in the previous appeal¹, this is an interesting architectural feature, which provides a main, focal point that contributes positively to the overall character and appearance of the Kap House.
15. Although the appeal site lies close to Harrow Town Centre, the surrounding area is predominately residential in character. Properties along Elmgrove Road and nearby Glenwood Close typically comprise two storey semi-detached properties. However, there are other buildings of a similar height to the main four storey section of Kap House within the vicinity of the site, including an adjacent four storey building. It is the varying heights and appearance of buildings that contribute to the varied character of the area.
16. The proposed extension seeks to add one additional storey to the main four storey block. The extension would be set back a significant distance from the front, rear and both sides of the main building. This is a much-reduced scheme when compared to that considered as part of the previous appeal.
17. The modest increase in height would be visually reduced by virtue of the significant setback. As a result, the proposed development would appear as a proportionate and subservient extension to Kap House, thereby ensuring that the tower remains as the main feature and focal point. The layout and massing would also ensure that the proposed extension is a modest addition, that would not result in a visually dominant form of development, when viewed against other buildings in the area.
18. For the above reasons, the proposed development would not result in harm to the character and appearance of the appeal property and area. It therefore accords with LP Policy D3, Policy CS 1 of the Harrow Core Strategy 2012, DMP Policy DM1 and Policies AAP1 and AAP4 of the Harrow and Wealdstone Area Action Plan 2013. Collectively, these seek, among other things, to ensure development positively responds to local distinctiveness, character and context, achieves a high standard of development and extensions respect their host

¹ APP/M5450/W/17/3168178

building. It would also accord with the design aims of the Framework, which seek to ensure, among other things, development is sympathetic to local character.

Other Matters

19. The proposal would make effective use of an existing brownfield land, in a residential area, close to a town centre. The appellant highlights that such an intensification is strongly supported by planning policy. Having regard to the modest amount of development proposed, these limited benefits carry little weight in favour of the scheme.
20. The proposed development would not result in an adverse impact upon daylight and sunlight levels to properties along Elmgrove Road. A lack of harm in this respect is neutral and weighs neither for nor against the development.

Conclusion

21. For the above reasons I conclude that, while the proposal would not harm the character and appearance of the area, the harm I have identified to the living conditions of future and existing occupiers is determinative. Therefore, the appeal proposal would conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with it. Consequently, the appeal is dismissed.

S Pearce

INSPECTOR