



## Appeal Decision

Site visit made on 5 September 2023

**by R Major BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 October 2023**

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### **Appeal Ref: APP/M5450/W/22/3313970**

#### **125 and 125a Vaughan Road, West Harrow, Harrow HA1 4EF**

- 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 Patel against the decision of London Borough of Harrow.
  - The application Ref P/2816/22, dated 28 July 2022, was refused by notice dated 1 December 2022.
  - The development proposed is demolition of a pair of existing dwellinghouses and the construction of six flats and associated amenity space.
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## **Decision**

1. The appeal is allowed and planning permission is granted for the demolition of a pair of existing dwellinghouses and the construction of six flats and associated amenity space at 125 and 125a Vaughan Road, Harrow HA1 4EF in accordance with the terms of the application, Ref P/2816/22, dated 28 July 2022, subject to the conditions set out in the attached schedule.

## **Preliminary Matters**

2. The above address is taken from the appeal form as the address stated within the planning application form, and the decision notice, did not include 125a Vaughan Road, which forms part of the appeal proposal. During the planning application determination period the appellant submitted a letter to the Council to confirm that the site address should include number 125a Vaughan Road. I have therefore included 125a Vaughan Road in the banner head address, and within my formal decision.
3. As part of the appeal the appellant has submitted an amended internal layout for proposed Flat 1, in order to overcome the Council's concern in respect of the vertical stacking between proposed Flats 1 and 3. Whilst no comments have been provided by the Council in respect of this amended layout, they have had an opportunity to do so. As such, I do not consider that the Council, or other parties, would be prejudiced by my acceptance of this amended layout plan. I have therefore determined the appeal on the amended layout plan (NWA-19-038-2 Rev A) provided at Appendix 4 of the appellant's Statement of Case.

## **Main Issues**

4. The Council decision notice includes two reasons for refusal, however in light of the comments made by the Council's Highway Officer and interested parties, I have included a third main issue. Consequently, the main issues are:
  - the effect of the proposal on the character and appearance of the area;

- whether the proposed development would provide appropriate living conditions for future occupiers, with regard to outlook, as well as noise and disturbance from 'vertical stacking'; and
- whether the proposal makes adequate provision for car parking.

## **Reasons**

### *Character and appearance*

5. The appeal site comprises of two dormer bungalows at 125 and 125A Vaughan Road, facing the highway junction with Bouverie Road. These existing properties are very much at odds with the surrounding area which is largely characterised by two storey semi-detached and terrace properties from the Edwardian and Victorian eras.
6. Whilst the two storey properties in this area generally contain similar front elevational design features, including forward projecting two storey bay windows with overhanging roofs and eaves, they do consist of a variety of roof forms, including pitched, hipped and crown roof designs, with some properties having dormer extension.
7. On the opposite side of the highway is a row of commercial properties with shop fronts at ground floor level, and this only further adds to the variety and appearance of the properties in the vicinity of the appeal site.
8. The existing dormer bungalows to be demolished lack in architectural detail and currently have a harmful visual impact upon the character of the street scene as a result of their scale, proportions and overall appearance. The removal of the existing dormer bungalows would therefore not have a negative impact upon the character and appearance of the area.
9. The replacement building would be two-storey, with additional accommodation in the roof space, and have a ridge height similar to the neighbouring properties at 127, 129 and 131 Vaughan Road. Whilst the width of the building would be wider than the neighbouring semi-detached and terrace properties, the detached building has been designed with two-storey projecting bays at either end of the front elevation, and these features break-up the massing of the building when observed from the street.
10. Furthermore, there are a small number of examples of detached buildings on this street, including the neighbouring property at 123 Vaughan Road, which are wider than the surrounding terrace and semi-detached properties. As such the scale of the building would not be at odds with the surrounding built form, and would be much more in-keeping the single storey buildings it would replace.
11. The replacement building would have a crown roof design, and whilst there are other examples of crown roofs in the immediate vicinity, the proposed depth of the flat section on the crown roof would be deeper than that found on other properties. Nevertheless, when viewed from street level directly to the front of the proposed building, the depth of the flat roof section would not be noticeable and the building would give the appearance of having a pitched roof design. From angled views the depth of the flat roof section would be visible, however it would be partially screened by the neighbouring properties either side, and

as mentioned there are other examples of crown roofs and dormers in the vicinity.

12. As such, the roof design is not considered to be an unduly bulky, excessive or incongruous feature that is at odds with the wider street scene, which includes crown roofs and dormers, and thus the proposal would not have a harmful impact upon the character and appearance of the area. In addition, the use of natural materials, including stone cills and lintels, brickwork and timber framed sash windows is supported and ensures the development would integrate positively within the street scene.
13. For the reasons set out above, I conclude that the development would not appear as an incongruous addition to the street scene and would result in a visual improvement in comparison to the existing buildings that are to be replaced. Accordingly, I find no conflict with Policy D3 of the London Plan (2021), Policy CS1 of the Harrow Core Strategy (2012), and Policy DM1 of the Harrow Council Development Management Policies (2013), which require proposals to enhance areas of poor design, be of a high design standard and to respond positively to local distinctiveness and character having regard to matters such as massing, bulk, materials, layout, form, appearance and scale.
14. Furthermore, I find no conflict with the Harrow Residential Design Guide Supplementary Planning Document (2010) which states that the design and layout of new development should recognise the character of the area in which it is situated, and that new development should recognise the scale, massing and roof form of surrounding buildings and reflect these where they are a positive attribute of the area's character. The proposal would also accord with the requirements of the National Planning Policy Framework (the Framework), which seeks to secure high quality design which takes account of the local character and reflect the local surroundings.

#### *Living conditions*

15. As originally submitted the internal layout plan showed that proposed Flat 1 (ground floor) would have a bedroom directly below the kitchen and lounge area of proposed Flat 3 (first floor), and Flat 3 would have a bedroom directly above the lounge area of Flat 1. The Harrow Residential Design Guide Supplementary Planning Document (2010) (SPD), at paragraph 4.55, states "The vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors." The proposal, as originally submitted, was therefore in conflict with the guidance contained within the SPD.
16. In addition, Policy DM26(b) of the Harrow Council Development Management Policies states that where possible the arrangement of rooms within development shall have regard to the adequacy of any measures to prevent noise transference.
17. As detailed within the "Preliminary Matters" section of this decision letter, as part of the appeal the appellant has submitted an amended internal layout to show that there would be no vertical stacking between bedrooms and living rooms / kitchens.
18. In view of the amended layout, the appeal proposal would comply with the guidance contained within the SPD and Policy DM26(b) of the Harrow Council

Development Management Policies, and would not result in any undue levels of noise and disturbance for future occupiers of the appeal proposal through vertical stacking.

19. With regard to outlook, all habitable rooms would be provided with windows or roof lights in the front and rear elevations of the proposed building. The living space / kitchen of the 1-bedroom flats (Flats 5 and 6) within the roof space would be served by the dormer windows in the rear elevation, and the bedrooms by roof lights located in the front elevation of the roof plane. The lowest part of the roof lights serving the bedrooms would be positioned 1.5m above floor level and thus would provide these rooms with some degree of outlook, and as mentioned the living rooms would be served by windows in the rear dormer.
20. It is therefore considered that the future occupiers of the flats within the roof space, as well as the flats at ground and first floor levels, would be provided with acceptable levels of daylight, sunlight and outlook.
21. In terms of sizes the flats would meet the Gross Internal Area (GIA) standards required by Policy D6 of the London Plan, and achieve ceiling heights of 2.5m in at least 75% of the GIA. Furthermore, the ground floor flats (Flats 1 and 2) would be provided with an external patio area, with the flats above sharing the remainder of the large rear garden area. The level of outdoor amenity space is sufficient for future occupiers.
22. In view of the above, I conclude that the amended internal layout provides an acceptable standard of living accommodation for all future occupiers in accordance with Policies D3 and D6 of the London Plan, Policy CS1 of the Harrow Core Strategy, and Policies DM1 and DM26 of the Harrow Council Development Management Policies, which require new development to deliver a high standard of amenity and privacy, adequate levels of light and outlook, and prevent or mitigate the impacts of noise.
23. The amended proposal is also considered to accord with the Harrow Residential Design Guide SPD in relation to vertical stacking, and paragraph 130(f) of the Framework which seeks to ensure a high standard of amenity is provided for future users.

#### *Car parking*

24. The Council's Highway Officer and interested parties have raised concerns in respect of the increase in demand for on-street parking that would arise from the appeal proposal, however no objection on this matter is raised by the Council.
25. In accordance with the London Plan maximum parking standards this proposal would be permitted up to a maximum of 4.5 (4) car parking spaces, and the development would provide no off-street parking spaces.
26. The Council states that the appeal site is within an area that achieves a Public Transport Accessibility Level (PTAL) of 1b, but acknowledges that this predicted to rise to level 2. However, using the online PTAL search tool I found that the site currently falls within PTAL 2. The appellant contends that the PTAL is a 'best estimate' and does not factor in other considerations such as the proximity to local services and amenities. The appellant therefore states that when taking into account the row of commercial properties on the opposite side

of the road, and other services in the area, the appeal site would be within PTAL 3.

27. I observed that the site lies within a sustainable location, within 5 mins walk of West Harrow Underground Station and 15 mins walk from St George's Shopping Centre and the bus station. Furthermore, there is a row of commercial units located on the opposite side of the road which provides some facilities for local residents. Therefore, occupiers of the proposed flats would not necessarily require their own car, and the use of alternative sustainable transport modes should be encouraged.
28. It is noted that the appeal site currently has one off-street space to the front of number 125 which would be removed, albeit this existing space is very narrow, and it is questionable as to whether this existing space could be used without a vehicle overhanging the highway. However, the removal of this space, including the reinstatement of the footway as detailed on the proposed plans, would allow for more on-street parking to be provided as compensation.
29. Additionally, in the absence of clear evidence of a local parking issue, or any objection from the Council, I consider that the level of overspill parking arising from this development would be low, and the existing use as two dwellings would likely result in some on-street parking.
30. Furthermore, and as detailed above, I consider the site to be located within a sustainable location with access to various services and public transport links, and thus consider the provision of no off-street parking spaces to be acceptable in this case.
31. In accordance with the London Plan standards for cycle parking, this development is required to provide at least nine sheltered and secured cycle spaces for the flats, and a further two cycle spaces for visitors. The proposal includes the provision of an outbuilding to the rear which would accommodate 12no. cycles and thus the proposal would adhere to the cycle parking standards.
32. In light of the above, I conclude that the proposal complies with Policies T5, T6 and T6.1 of the London Plan, Policy CS1 of the Harrow Core Strategy, and Policy DM42 of the Harrow Council Development Management Policies, which require, amongst other things, car-free development to be the starting point, and car parking to be restricted, in sustainable locations that are well connected and accessible by public transport. These policies also state that new development should not exceed the maximum parking standards in the London Plan, and should contribute to the delivery of a modal shift from the private car to more sustainable modes of transport, including the appropriate provision of cycle parking.

### **Other Matters**

33. Concerns have been raised in respect of overdevelopment of the site and the need for additional flats, however the demolition of two dormer bungalows to be replaced by six flats represents an efficient use of the site and would make a positive contribution to housing land supply.
34. I note the comments raised by an interested party that the proposed development, particularly the two-storey element at the rear, would block light to surrounding properties. However, based on my observations on site I agree

with the assessment of the Council that the proposed development would not result in significant harm to the living conditions of neighbouring occupiers.

35. A concern has also been raised in respect of the storage of refuse bins at the rear of the property and the impact this could have upon neighbouring occupiers when using their gardens. I agree that should the bins be housed within open enclosures there is the potential for odour issues, and thus a condition has been attached which requires details of covered waste storage area(s) to be submitted to and approved by the Local Planning Authority, and provided on site, prior to first occupation.

### **Conditions**

36. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 56 of the Framework, and advice contained in the Planning Practice Guidance.
37. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2), as well as a condition which requires the submission of details of the external materials to be used in the development, in order to safeguard the character and appearance of the area (3). A pre-commencement condition has been included which requires the submission of a demolition and construction logistics plan (4). This pre-commencement condition is necessary to protect the living conditions of occupiers of neighbouring properties throughout the demolition and construction phases.
38. A condition requiring the submission of a scheme for the disposal of both foul and surface water has been included, and this is necessary in order to reduce the risk of flooding at the site (5). In the interest of clarity, and to protect the living conditions of neighbouring occupiers, a condition requiring the submission of the ground levels for the proposed buildings and external areas has been attached (6). To safeguard the character and appearance of the area, and to provide future occupiers with acceptable outdoor amenity space, a condition has been added requiring the submission of hard and soft landscaping details in respect of the external areas (7).
39. A condition requiring the submission of details of all boundary treatments has been included in order to safeguard the character and appearance of the area (8). A condition requiring the proposed cycle storage facility to be provided prior to occupation has been included to support the use of sustainable modes of transport (9). To safeguard the living conditions of neighbouring occupiers, the aforementioned condition requiring the submission of details for covered waste storage areas has also been attached (10).
40. In the interest of fire safety, a condition has been attached requiring the submission of a Fire Safety Statement (11). To protect the living conditions of neighbouring occupiers a condition has been included requiring the windows in the first and second floors of the side elevation to be obscurely glazed and non-opening unless the parts of the window that can be opened are more than 1.7m above floor level (12).
41. I have given careful consideration to the inclusion of Condition 13, having had regard to the PPG's advice on the inclusion of such restrictive conditions in specific circumstances. In this instance, the proposed development is clearly

designed as self-contained flats (C3 use), and given its internal and external characteristics, further occupation, or subdivision, into small Houses of Multiple Occupation (C4 use) would potentially be detrimental to the living conditions of future occupiers. As such, I consider a condition preventing the permitted change of use to C4 to be necessary.

42. In order to protect the living conditions of occupiers of neighbouring properties a condition has been included to specify that the flat roof area above the single storey element at the rear of the development shall not be used as a balcony area, without the grant of planning permission from the Local Planning Authority (14).
43. Although not suggested at appeal stage by the Council, the Designing Out Crime Officer requested a condition requiring the development to achieve Secured by Design accreditation, and this is considered necessary to reduce the risk of crime (15).
44. Additionally, whilst not suggested by the Council, a condition has been included which requires the dropped kerb to the front of the site to be reinstated to footway, in order to allow additional vehicles to park on the street (16). I note the appellant's comments that they consider this could be dealt with through a Section 278 Agreement with the Highway Authority, rather than via a planning condition, and their reference to a previous decision of the Council where this condition was not included at an alternative site. However, without the condition there would be no obligation for the developer to enter into a Section 278 Agreement with the Highway Authority and reinstate this footway. The raising of the kerb and reinstatement of the footway would provide for an additional on-street parking space and therefore this condition is necessary to provide additional parking, and in the interest of highway safety.
45. Finally, the Council also suggested a condition removing permitted development rights to install any additional windows or doors, other than those shown on the approved plans, in the side elevations of the proposed building. However, residential flats do not benefit from permitted development rights for the installation of new windows, and therefore it is unnecessary to include this suggested condition.

## **Conclusion**

46. For the reasons set out above, the proposal accords with the development plan when taken as a whole and I therefore conclude that the appeal should be allowed.

*R Major*

INSPECTOR

### **Schedule of Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - NWA-19.038-LOC\_E
  - NWA-19-038-LOC\_P Rev B
  - NWA-19-038-3 Rev A
  - NWA-19-038-2 Rev A (amended plan as per Appendix 4 of Appeal Statement)
  - NWA-19-038-4
  - NWA-19-038-5
  - NWA-19-038-6
  - NWA-19-038-SK6
3. Notwithstanding any description of materials in the application, no above ground construction works shall take place on the development hereby approved until samples, or a full specification, of the materials to be used in the construction of the external surfaces noted below, have been submitted to, and approved in writing by, the Local Planning Authority:
  - a) All facing and roof materials for the buildings (including outbuildings);
  - b) Windows / doors / glazing; and
  - c) Patio and hardstanding areas.

Such details shall include the type, colour and texture of the materials. The development shall then be carried out in accordance with the approved details and retained as such thereafter.
4. No development hereby approved shall commence on site, including any works of demolition, until a detailed demolition and construction logistics plan has been submitted to, and approved in writing by, the Local Planning Authority. The logistics plan shall detail the arrangements for:
  - a) the parking of vehicles for site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in the construction of the development;
  - d) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
  - e) wheel washing facilities;
  - f) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - g) measures for the control and reduction of dust;
  - h) measures for the control and reduction of noise and vibration;
  - i) how traffic would be managed to minimise disruption; and
  - j) hours of operation.

The demolition and construction of the development hereby approved shall be carried out in complete accordance with approved logistics plan.

5. The construction of any buildings hereby approved shall not commence on site until a scheme(s), including a timetable for implementation, for the disposal of both foul water and surface water, has been submitted to and approved in writing by the Local Planning Authority.

The development hereby approved shall thereafter be carried out in complete accordance with the details and timetables contained within the duly approved scheme(s) and retained as such thereafter.

6. No development hereby approved shall commence on site, except for demolition works, until details of the levels of the proposed buildings and external areas in relation to the adjoining land and highways, and any other changes proposed to the levels of the site, have been submitted to, and approved in writing by, the Local Planning Authority.

The development hereby approved shall thereafter be carried out in complete accordance with the approved level details and retained as such thereafter.

7. Notwithstanding the requirements of condition 2, or the details shown on the approved drawings, prior to first occupation of the development hereby approved, a scheme of hard and soft landscaping works for the front forecourt area, and rear garden area, shall have been submitted to, and approved in writing by, the Local Planning Authority.

The soft landscaping scheme shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species.

The hard surfaced areas shall be provided in accordance with the details in the approved scheme prior to first occupation of the development hereby approved and retained as such thereafter.

8. Prior to first occupation of the development hereby approved, full details of the positions, height, design, materials and type of the site's boundary treatments shall have been submitted to, and approved in writing by, the Local Planning Authority. The boundary treatments shall be installed in accordance with the approved details prior to first occupation of the development hereby approved and shall be retained as such thereafter.
9. Prior to the first occupation of development hereby approved, a minimum of 12 covered and secure cycle parking spaces shall be provided, and made

available for use, within the approved outbuilding. The cycle parking spaces shall be maintained and retained as such thereafter.

10. Notwithstanding the requirements of condition 2, or the details shown on the approved drawings, prior to first occupation of development hereby approved, details of the covered waste storage area(s), including a minimum 3-bin system for each flat, shall have been submitted to, and approved in writing by, the Local Planning Authority.

The approved waste storage area(s) shall be provided, and made available for use, on site prior to first occupation of the development hereby approved and retained as such thereafter.

Refuse bins shall be stored at all times, other than on collection days, within the approved refuse storage area(s).

11. No development hereby approved shall commence on site, except for demolition works, until a Fire Safety Statement has been submitted to and approved in writing by the Local Planning Authority. The Fire Safety statement shall include the following details:

1) identify suitably positioned unobstructed outside space for:

- a) fire appliances to be positioned; and
- b) appropriate use as an evacuation assembly point;

2) how the building would be 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;

3) how the building would be constructed in an appropriate way to minimise the risk of fire spread;

4) provide details of suitable and convenient means of escape, and associated evacuation strategy for all building users;

5) develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published is to be included in the Fire Safety Statement); and

6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The development shall be implemented and operated in complete accordance with the approved details contained within the Fire Safety Statement in perpetuity.

12. Prior to the development hereby approved being first brought into use, all windows in the first and second floors of the southwest facing side elevation (facing number 127 Vaughan Road) of the approved development shall be obscurely glazed to a minimum level 5 (where 1 is the lowest and 5 is the

greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed windows shall be retained as such thereafter.

13. Notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the residential units hereby approved shall at no time be converted from C3 residential to a C4 small House in Multiple Occupation (HMO), without express planning permission having first been granted by the Local Planning Authority.
14. The flat roof area above the single storey rear element of the development hereby approved shall not be used as a balcony, roof garden or similar external amenity area without express planning permission having first been granted by the Local Planning Authority.
15. No above ground construction works shall take place on the development hereby approved until a scheme detailing how the development would achieve Secured by Design - Homes 2023 accreditation (in relation to crime reduction) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and operated in complete accordance with the approved scheme and retained as such thereafter.
16. Prior to the first occupation of the development hereby approved, the existing dropped kerb to the front of the site shall be raised and reinstated back to footway in complete accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

**\*\*\*END OF CONDITIONS\*\*\***