



Appeal Decision

Site visit made on 7 November 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2023

Appeal Ref: APP/M5450/W/23/3314989

316 Station Road, Harrow HA1 2DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Arora, Zest Realty Ltd against the Council of the London Borough of Harrow.
 - The application Ref P/3201/21 is dated 26 July 2021.
 - The development proposed is described as 'demolition and redevelopment to include 6 residential flats and commercial premises at ground floor'.
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Decision

1. The appeal is dismissed and planning permission is refused for demolition and redevelopment to include 6 residential flats and commercial premises at ground floor.

Preliminary Matters

2. The appeal was made following the failure of the Council to give notice of their decision on the application within the statutory period. However, the Council has submitted a statement which sets out what it considers to be the main issues and putative reasons for refusal. The appellant and third parties have had the opportunity to comment on the Council's statement. Therefore, they would not be prejudiced by my taking these reasons into account in forming the main issues.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and,
 - the living conditions of the occupants of 318 Station Road (No.318) and Flat 7, 314 Station Road (Flat 7) with particular regard to outlook, daylight and sunlight.

Reasons

Character and appearance

4. The appeal site is a 2-storey semi-detached property located on Station Road within Harrow town centre. There is a retail premises on the ground floor and a flat above on the first floor. Together with No.318, the semi-detached pair are of traditional brick design with a hip tiled roof, mock Tudor projecting gabled bays at first floor level and tall slender chimneys to each side elevation. They were originally designed as a predominantly symmetrical pair, but both have

- been altered and extended. The ground floor of each property incorporates a projecting flat roof shop front that meets the edge of the pavement, a common feature along a short stretch of properties in the vicinity of the appeal site.
5. The ground floor of the pair has been significantly extended at the rear towards a boundary wall fronting a service road at the rear of Station Road. A doorway in this boundary wall provides access to external stairs which lead up to the flat roof of the extended pair from which the first floor flat of the appeal property is accessed. Despite the extensions and alterations to the semi-detached pair, they have not significantly altered the balance and symmetry of the principal elevation of the properties, particularly at first floor and roof level. This symmetry is a positive feature of the appeal site.
 6. A large, flatted development known as Platinum House is located at the rear of the site separated by a service road and parking bays. It includes an extensive balconied elevation facing the appeal site and is clearly visible behind the lower buildings along Station Road. The adjacent building at 314 Station Road (No.314) to the north is 4-storey and comprises of a commercial use at ground floor with flats above. To the south, 320 Station Road (No.320) is under construction as a 4-storey building.
 7. Aside from a pair of semi-detached properties nearby which are similar in appearance to the appeal property and No.318, Station Road is flanked by buildings of varied age, height and appearance, although they are generally more than 2-storey. Amongst other commercial uses, the significant majority are shops and food outlets with ground floor window displays forming part of a primary shopping frontage. Upper floors appear to be in various uses. The appeal site terminates the view facing east from the pedestrianised St Anns Road, which is located perpendicular to Station Road. As a result, the appeal site sits in a relatively prominent location.
 8. The Council's Harrow and Wealdstone Area Action Plan 2013 (AAP) identifies the site as being within the Station Road sub area of Harrow town centre. The justification text to Policy AAP2 of the AAP advises that this sub area suffers from a poor environment with no distinctive identity. The policy requires that development makes a positive contribution to its environment and identity by providing a massing, bulk, scale and design that helps to create an urban boulevard character along Station Road.
 9. While the fundamental principle of the scale, massing and design of the proposal would generally be appropriate in this location, the main issue as I see it is the imbalance and conspicuous appearance that would result from the redevelopment on the proposed scale of only one half of the pair of semi-detached properties. The proposal would be a similar height to the adjacent buildings at No.314 and No.320. It would incorporate a projecting flat roof ground floor commercial unit that would reflect the arrangement of such units at surrounding properties. Although I have not been provided with the approved plans of No.320, at the time of my site visit, it was in an advanced stage of construction. I was therefore able to see that the proposed design, materials and form of the proposal would be similar to this building.
 10. Nevertheless, the massing and scale of the proposed development would be significantly larger than No.318. It would substantially alter the balance of the principal elevations of the properties and dwarf the remaining half of the pair. The proposal would unduly remove the sense of symmetry.

11. Furthermore, it would result in a relatively narrow and incongruous gap in the street scene at upper level. There would be a harmful visual contrast in both appearance and scale between the remaining property at No.318 and the immediately surrounding buildings which would diminish the character of the area contrary to the objectives of the AAP to create a harmonious street scene.
12. The resulting view of the gap in built up frontage at upper levels along Station Road would be partly obscured by the slight curvature of Station Road and the position of the proposal and No.320 which, above ground floor, would both sit slightly forward of No.318. However, the gap would be particularly conspicuous when viewed from St Anns Road due to the direct line of sight from this street. It would appear as a discordant feature in the street scene.
13. On the basis of the information provided, I recognise that the site is not affected by any heritage designation and is varied in character and appearance. Nevertheless, the objectives of the AAP and the Council's Supplementary Planning Document: Residential Design Guide adopted 2010 (SPD) are clear that development should have regard to the context of its surroundings. Whilst I note that Nos.320 and 322 were previously semi-detached properties, the Council suggest that there was no symmetry between these buildings prior to their redevelopment and I have no reason to disagree. In any event, the circumstances in each proposal are likely to be different, and the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development.
14. For the reasons given, while the cue for the scale and design of the proposal would be taken from the adjacent property at No.314 and those at Nos 320 and 322, the effect on the symmetry and balance of the pair of semi-detached properties would be disregarded. In the context of this appeal site, it would result in harm to the character and appearance of the area.
15. The harm would lead to conflict with Policy D3 of the London Plan 2021 (LP) which, among other things, requires development to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness. It would also fail to accord with Policy CS1.B of the Harrow Core Strategy 2012 (HCS) and Policy DM1 (A and B) of the Harrow Development Management Policies Local Plans 2013 (HDMPLP) which collectively seek a high standard of design that responds positively to the local context.
16. The proposal would also conflict with guidance in Section 12 of the National Planning Policy Framework, Policies AAP1, AAP2 and AAP4 of the AAP and the SPD. Together, these documents seek, amongst other things, well-designed places that make a positive contribution to the immediate site surroundings and wider context in a way that contributes to the metropolitan character of the town centre.

Living conditions

17. There is no clear evidence that the first floor of No.318 is not in use as a residential flat or has an authorised use as a flat. As such, on the basis of the evidence before me, I cannot be certain there would not be occupiers in proximity to the development which would create a sensitive relationship.
18. The proposal would result in 3-storeys of a building being constructed either on or very close to the side boundary of No.318. There is also a 4-storey building

under construction at No.320 very close to the other side boundary of No.318. Both these buildings would project significantly beyond the first-floor rear façade of No.318. As a result, No.318 would be considerably 'hemmed in' by surrounding, much taller, development. The outlook from the first-floor rear-facing windows of No.318 would be poor as it would be substantially dominated by the presence of the much taller adjoining buildings. This would cause significant harm to the living conditions of the occupiers of No.318.

19. Whilst the proposed development would be set in from the boundary with No.318 for some of its length and there is agreement between the parties that sunlight and daylight levels for occupiers of No.318 would be appropriate, the sense of enclosure which would result from the cumulative effect of proposal and the adjoining development at No.320 would not alter the fact that the outlook from the rear facing windows of No.318 would be severely impacted upon by the loss of outlook that would arise.
20. The plans indicate that the proposal would abut the side elevation and be in line with the rear elevation of No.314. However, the third floor of No.314 is set in from the main rear elevation of the building. The existing railings along the side of the external outdoor terrace space for Flat 7 would abut the blank flank wall of the proposed development.
21. The Council's SPD requires that a 45-degree code should be applied for proposals to determine the appropriate relationship between buildings and 'protected' windows in order to avoid an unreasonable loss of light, overshadowing or inadequate outlook for neighbouring residents. From the evidence and my observations on site, it is apparent that the proposed development would breach the 45-degree code set out in the SPD in relation to Flat 7. However, the SPD also states that the code should not simply be applied on a mechanical basis but as part of an assessment of several site considerations.
22. The proposed building would be slightly lower than the adjoining building at No.314 but its flank wall would extend significantly beyond the closest rear facing window of Flat 7. The outlook from this window and the private outdoor terrace would be of a significant length of tall, largely featureless and thus imposing wall. In such views from this window the scale, mass and height of the proposed development would appear as an oppressive and overbearing structure. It would result in an unacceptably poor outlook that would fail to provide satisfactory living conditions for occupiers of Flat 7.
23. Furthermore, the close proximity of the proposed development along the southern boundary of the external terrace to Flat 7, combined with the height and length of the flank wall, would limit the amount of daylight and sunlight that would be experienced within the rear facing room of Flat 7 closest the boundary with the appeal site and from the external terrace space. This would likely be more apparent for those times of the day and the year when the sun would be low in the sky.
24. While the appellant has indicated that the proposal would retain adequate daylight and sunlight for neighbouring occupiers, there is insufficient evidence to support this claim. Although a daylight and sunlight assessment (T16Design, March 2021) was submitted by the appellant with the application, it does not provide an assessment of the effect of the proposal in relation to daylight and sunlight for any occupants of No.314, including those at Flat 7.

25. In the absence of a daylight and sunlight assessment, I cannot be certain, on the evidence before me, that the rear facing room of Flat 7 would receive appropriate levels of daylight or sunlight. The proposal would therefore result in a harmful effect on the living conditions of occupiers of Flat 7 with regard to daylight and sunlight.
26. Given the above, I conclude, on the basis of the information before me, that the location and scale of the proposed development would have an unacceptably harmful effect on the living conditions of the occupants of No.318 with particular regard to outlook. The proposal would also have an unacceptably harmful effect on the living conditions of the occupants of No.314, Flat 7 with particular regard to outlook, daylight and sunlight.
27. The proposed development would therefore conflict with Policy D3 of the LP and Policy DM1 (C and D) of the HDMPLP which together, amongst other things, seek to protect living conditions. It would also conflict with the objectives of Policy AAP4 (B) of the AAP and guidance in the SPD where they relate to achieving a high standard of residential quality and protection of neighbouring amenity.

Other Considerations and Planning Balance

28. The site would be located in an accessible location and contribute towards the supply of housing. However, given the scale of the scheme the contribution would be small. Although the proposed green roof would provide space for planting which would increase local biodiversity, the scale of the green roof indicates that the benefit would be limited. It seems to me that there are also alternative ways of enhancing biodiversity. Collectively, these benefits do not outweigh the harm I have identified that would be caused to the character and appearance of the area and the living conditions of neighbouring residents.
29. Even if I were to agree that there would be no unacceptable effects with regards to the living conditions of future occupants or vehicle/cycle parking and refuse/recycling storage, a lack of harm is a neutral factor and would not weigh in favour of the scheme.

Conclusion

30. For the reasons given above, the appeal is dismissed.

A Veevers

INSPECTOR