



Appeal Decision

Site visit made on 31 October 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2024

Appeal Ref: APP/M5450/W/23/3321651

13 Bellamy Drive, Harrow, Stanmore HA7 2DD

- 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 Ravi Chandran against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3193/22, dated 14 November 2022, was refused by notice dated 23 January 2023.
 - The development proposed is single storey rear extension, rear dormer extension under permitted development and conversion of dwelling house into two one bedroom flats; bin and cycle storage; car parking; associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
3. The Council has not provided its officer report or a statement of case. However, it has supplied a decision notice and relevant policies from the development plan. I have dealt with the appeal on the basis of this information, in addition to the appellant's written evidence and my observations at the site visit.

Main Issue

4. The decision notice does not allude to any concerns over the design of the proposed extensions, including roof alterations. The main issue in dispute is whether the development would provide adequate living conditions for future occupiers, with regard to external amenity space and privacy within the ground floor flat.

Reasons

5. The appeal property is a two-storey, semi-detached dwelling located within a predominately residential area. The proposed subdivision into two flats would involve the construction of a single-storey rear extension. This would reduce the depth of the existing garden by approximately half. The remaining space would form communal garden and it would contain a dedicated bicycle store.
6. Policy DM26 of the Harrow Development Management Policies (2013) (HDMP) seeks, amongst other things, to ensure that all developments make adequate

arrangements for the provision of amenity space for future occupiers and ensure that all habitable rooms have a satisfactory environment in terms of privacy.

7. The proposed communal garden would be accessible for the occupiers of both flats. Policy DM26 of the HDMP accepts in exceptional circumstances the provision of communal gardens within developments but this is subject to the proviso that there should be adequate privacy safeguards for the ground floor occupiers.
8. The rear wall of the proposed single-storey extension would contain two windows overlooking the communal garden and a door providing direct access out. As there is no physical separation between the windows and door and the communal garden, the use of this area by occupants of the upper floor flat would have an unacceptable adverse impact on the privacy of those living on the ground floor. Furthermore, due to the provision of direct access to the communal garden from the ground floor flat, it is highly likely that the occupiers of the first floor would feel uncomfortable using the space for any length of time.
9. The secure cycle parking within the communal garden would be provided for both flats. Whilst the use of the cycle store may be intermittent, occupants of the upper flat would need to walk directly in front of the habitable room windows associated with the ground floor unit. Any intrusion into this space would harm the privacy of the residents of the ground floor flat.
10. The Council has not directed me to any minimum standards for garden size. Nevertheless, the resultant garden would be significantly shorter than those associated with neighbouring properties. As this space would be shared between the future occupiers of both flats and would accommodate the dedicated cycle store, the resultant garden would not provide sufficient space to accommodate domestic paraphernalia such as outdoor furniture or washing lines associated with the maximum occupation of the development. Taken together with the degree of overlooking of the ground floor accommodation, the use of the area would severely compromise the living conditions of future intended occupiers.
11. I note that the Council relies upon the Supplementary Planning Document - Residential Design Guide (2010) within the decision notice. However, I have not been directed to any particular paragraph in the lengthy document. Consequently, the guidance has not been determinative to my decision.
12. I conclude that the proposal would fail to provide adequate living conditions for future occupiers contrary to Policy DM3(7) of the London Plan and Policies DM1, DM26 and DM27 of the HDMP. There would also be conflict with the Framework, paragraph 135 f) which seeks a high standard of amenity for existing and future users.

Other Matters

13. I am told that Nos 31 and 39 Bellamy Drive have already been subdivided into flats. I do not know the background to these developments, and it is not clear whether they are directly comparable to the appeal scheme. Given the lack of information, they carry limited weight in favour of the appellant's case.

14. The appellant claims that due to the changing property market conditions in the Stanmore and Harrow Weald area, the size and condition of the existing property does not appeal to tenants or homeowners. However, there is no evidence to demonstrate that the property has been marketed for sale or rent and furthermore the maintenance of the property is a matter for the appellant. This attracts very limited weight in my assessment.

Conclusion

15. The proposal conflicts with the development plan taken as a whole in respect of the quality of the living environment for future occupiers. There are no material considerations to justify a decision otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

L Clark

INSPECTOR