

Appeal Decision

Site visit made on 16 January 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/M5450/D/23/3329284

60 Hutton Lane, Harrow, HA3 6RD

- 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 Dr Rohit Pethe against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1768/23, dated 16 June 2023, was refused by notice dated 10 August 2023.
 - The development proposed is the conversion of an existing outbuilding into Granny Annexe and home cinema for incidental use of occupiers of the host dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council, in its decision notice, states that it is not satisfied that the proposed development falls within any class of permitted development specified in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.
 3. The appellant states that whilst the proposed development would not comprise a wholly independent residential unit, it would comprise living accommodation for a family member and would also be used as a home cinema by family members.
 4. The proposed accommodation has been designed to provide living accommodation and includes a bedroom, bathroom and a kitchenette. It would be capable of being accessed separately from the main dwellinghouse and providing primary habitable accommodation separate from the main dwellinghouse.
 5. Taking account of the above, the main issue in this case, as set out below, is whether the proposed development would result in acceptable living conditions for future occupiers.
 6. The Council states in its decision notice that the proposed development would harm the character and appearance of the area. However, this is at odds with the Council's own officer's report, which states that the overall scale, design and siting of the of the existing outbuilding is acceptable.
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7. The outbuilding has a lawful development certificate and there is no substantive evidence before me to demonstrate that the proposed development would harm the character and appearance of the area.

Main Issue

8. The main issue in this case is whether the proposed development would result in acceptable living conditions for future occupiers, with regards to internal space.

Reasons

9. The appeal property is a two storey semi-detached dwelling located in a residential area characterised by the presence of similar two storey semi-detached dwellings set back from the road behind short parking areas.
10. The presence of a wide grass verge and street trees opposite the appeal property, along with glimpses through to the rear gardens of dwellings provides for a pleasant, green and spacious local character.
11. The appeal property has been extended to the rear and the outbuilding the subject of this appeal is located at end of the rear garden, stretching across its width.
12. The proposed development would be laid out as living accommodation with a separate bedroom, a bathroom and a kitchenette/living area, also to be used as a cinema room. I find that this would result in living accommodation being "squeezed" into a small area, such that there would only be minimal space for normal living requirements, such as a chair and table, eating space and a bed, as well as providing seating for a home cinema for family use and still providing adequate space for circulation and for general day-to-day living requirements.
13. I find that this would result in the overall accommodation being unduly cramped and that as such, the proposed development would fail to provide suitable living accommodation for future occupiers.
14. Taking the above into account, I find that the proposed development would not result in acceptable living conditions for future occupiers, with regards to internal space, contrary to the National Planning Policy Framework; to London Plan Policy D3; to DMP¹ Policy DM1; and to the Council's Supplementary Planning Document: Residential Design Guide (2010), which together amongst other things, seek to protect residential amenity.

Other Matters

15. The appellant, in support of the proposal, draws attention to other planning decisions and to other appeal decisions elsewhere. However, there is nothing before me to demonstrate that these relate to the same form of development under the same set of circumstances as the appeal before me. Notwithstanding this and in any case, I have found that the proposed development would result in significant harm and this is not a factor that is altered or mitigated by other decisions relating to other development proposals elsewhere.

¹ Reference: Harrow Development Management Policies (2013).

Conclusion

16. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR