



Appeal Decision

Site visit made on 29 February 2024

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/M5450/W/23/3329690

10, 10a, 12, Flat 1 12a, Flat 2 12a, Flat 3 12a, 10-12 High Street, HA3 7AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Anuj Popat against the decision of London Borough of Harrow.
 - The application Ref is P/3914/22.
 - The development proposed is a single storey rear extension to ground floor commercial unit (Use Class EA); reconfiguration of first floor flats; creation of second and third floors comprising of four additional flats (4 X 1 bed); external alterations; bin and cycle stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode of the appeal site was clarified during the appeal process as it appears differently in some of the appeal documents. The correct version is used in the above header.
3. Amended plans dated September 2023 were provided with the appeal evidence, which were not before the Council when it made its decision in June 2023. These indicate changes to the roof with the addition of a parapet and associated façade alterations. The changes are minor and I am satisfied that my consideration of the plans in this appeal do not prejudice any party.
4. The previous version of the National Planning Policy Framework (the Framework) has been superseded by the version issued in December 2023.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of 8a High Street, with particular regard to outlook; and
 - Whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to privacy, and noise and disturbance.

Reasons

Character and appearance

6. The appeal site incorporates two buildings at the end of a short terrace with buildings of a similar appearance. From the front street elevation, they appear as a two-storey terrace with accommodation within the pitched roof, with commercial tenancies at ground floor level. To the rear, upper-level residential accommodation is accessed via stairways from a rear yard, and accommodation includes rear-projecting 'outriggers' at ground and first floor levels.
7. On its northern side, the appeal site adjoins a development of newer appearance with a substantial presence on the high street, owing to its length and height, which appears from the street as four storeys. A five-storey block is also visible from the high street above the appeal properties and is close to the rear entrances of the site. Overall, the street has a mixed character of retained buildings with a historic appearance, augmented by more modern buildings of varying height and materials.
8. The appeal proposal would provide a façade extended in height to four storeys and spread across the two buildings with a repeated fenestration pattern on the upper three floors, and stone parapet above. The brickwork and window details would match that existing at first floor level. However, the height and width of the building together with the relatively small window sizes would result in the brickwork dominating views of the façade, and this would stand out in views along the street, particularly to the south where the fine grain of the streetscape is represented in the narrow width of the terraces.
9. Brick is the most prominent building material on the high street but in most cases is relieved by fenestration or other details. That would not be the case in this instance. Although the building adjoining the appeal site to the north is also dominant through the use of large areas of tile and render, it is an incongruous feature in the street. The appeal proposal, in mimicking the proportions of that building, would add to this incongruity and overall, the appeal building viewed in conjunction with its large neighbour, would appear obtrusive and out of character in the street scene.
10. Previous development of poor design quality would have been allowed prior to the current iteration of the Framework, which in chapter 12 seeks a high design quality and the creation of "high quality, beautiful and sustainable buildings" through the design process (paragraph 131). It also states that development that is not well designed should be refused, especially where it fails to reflect local design policies (paragraph 139). *The London Plan* (2021) Policies D3, *Harrow Core Strategy* (2012) CS 1, *Policy CS Development Management Policies* (2013) (DMP) Policy DM 1 are consistent with the Framework in seeking high quality design that accords with the character of its surroundings.
11. I therefore conclude that the proposal would be harmful to the character and appearance of the area and would conflict with the policies set out above.

Living conditions of 8a High Street (No. 8a)

12. No. 8a neighbours the appeal site, and partly reflects the layout of the closest appeal site property, with an outrigger and windows on the first floor of the property. Two windows are in the side return of the outrigger and directly face

the appeal site, with only a narrow gap – the combined width of the two stairways serving No. 8a and the appeal site – separating them. These windows appear to have had an obscuring treatment applied. A further window is set adjacent to the top of the staircase and within the main part of No. 8a and faces rearwards.

13. The proposal would effectively extend the height of the appeal site's existing outrigger by replacing its pitched roof with a new storey of accommodation and an additional two storeys above. This would significantly affect the outlook from the smaller of the windows in the side return of No. 8a, and the window in the main part of the property, by increasing the enclosing effect in the views. The result would be particularly overbearing. The fact that at the view from one of these windows is obscured does not mitigate this effect, given that there is no guarantee that the obscuring treatment would remain in the future. In any case, the view from the rearward-facing window would also be significantly and detrimentally affected.
14. I acknowledge that the existing layout of the property may not meet existing outlook standards used by the Council in their assessment of development, and that there are nearby properties where development has resulted in greater harm than in this instance. Neither of these factors justify or mitigate the harm that would result to the existing and any future occupiers of No. 8a.
15. I therefore conclude that the proposed development would harm the living conditions of the occupiers of 8a High Street, with particular regard to outlook. There would be conflict with London Plan Policy D3 and DMP Policy DM 1, which together require a high standard of development that has regard to any impact on neighbouring occupiers, amongst other considerations.

Living conditions for future occupiers

16. A communal outdoor space would be provided for future occupiers of the appeal proposal and would be located at first-floor level towards the rear of the site. The plans indicate that bedroom windows for flats 1 and 2 would face directly onto the space. The lack of any separation or defensible space could lead to residents of these flats suffering a lack of privacy or an impression of such, and being potentially being exposed to unreasonable levels of noise and disturbance.
17. Potential solutions to this issue have been suggested by the appellant. Vegetation screening would create some defensible space but would lessen the overall amount of space available to residents. A management plan could have a similar effect, but would require enforcement and would not overcome the shortcomings of the design. Although there is already a roof terrace in use with a similar layout and there are similar layouts on other properties in the vicinity, this does not provide sufficient reason to provide a similar situation in new development, particularly given the Framework's aforementioned advice on good design.
18. I therefore conclude that the proposed development would not provide satisfactory living conditions for future occupiers, with particular regard to privacy, and noise and disturbance. It would conflict with London Plan Policies D3 and D14, and DMP Policy DM 1, which together require development to deliver appropriate privacy and amenity and minimise potential adverse

impacts of noise as a result of new development, amongst other considerations.

Other Matters

19. I appreciate that the proposal would contribute to the growth of the area and increase the amount of housing stock. I have not been provided with information that would allow me to undertake an assessment of the scale of any deficiency in local housing supply, and although whilst there would be a benefit in delivering new homes, this would not mitigate the harm arising from the development.
20. I have also noted the appellant's concerns with the Council's handling of the application but have limited my consideration to the substantive matters of the appeal.

Conclusion

21. The proposed development would conflict with the development plan for the area and there are no material considerations to indicate that a decision should be made otherwise than in accordance with the plan.
22. For the reasons given above, the appeal is dismissed.

G Rollings

INSPECTOR

