



Appeal Decision

Site visit made on 7 February 2024

by J N Seymour BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2024.

Appeal Ref: APP/M5450/W/23/3328812

17A Boxtree Lane, Harrow Weald, Harrow, HA3 6JU

- 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 Brown against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/0320/23, dated 30 January 2023, was refused by notice dated 31 May 2023.
 - The development is described as: a proposed side extension
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Decision

1. The appeal is allowed and planning permission is granted for a proposed side extension at 17A Boxtree Lane, Harrow Weald, Harrow, HA3 6JU, in accordance with the terms of the application, Ref P/0320/23, dated 30 January 2023, subject to the conditions set out below.
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2023/0014/0001 Rev A and Location Plan (Title No: NGL576426).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue of the appeal is whether the development would provide adequate living conditions for residents at the appeal property.

Reasons

3. The appeal site comprises a ground floor two-bedroom flat with planning permission being sought to enlarge the property with a single-storey side extension. The appellant maintains the extension would serve as a study for the occupants with the property remaining as a two-bedroom flat.
4. However, the Council has refused the development on the basis that the room denoted as a study on the floor plans could be utilised as an additional bedroom, thus creating a three-bedroom flat. In so doing, the Council has determined that the flat would fail the minimum space standards for three-bedroom properties.

5. The space standards are set out in Policy D6 of the London Plan (2021), the Mayor of London Housing Design Standards (June 2023), the Council's Supplementary Planning Document: Residential Design Guide (2010) and the Technical Housing Standards – Nationally Described Space Standards (2015). These four documents set out the same minimum Gross Internal Area (GIA) requirements for new dwellings, as they are relevant to this appeal, therefore I refer to them collectively as the 'space standards'.
6. The space standards state that for a single-storey property a three-bedroom, five-person flat should have a minimum floor area of 86 sq m or 74 sq m for four persons. The flat would have a Gross Internal Area (GIA) of 65.45 sq m with the addition of the extension. The proposed extension has an internal floor area of 11.63 sq m, which means the GIA of the existing flat is 53.82 sq m. Therefore, not only would the appeal proposal fail the space standards, assuming the study is used as a third bedroom, but the flat also fails the space standards in its current form. This is because the space standards require for a single-storey, two-bedroom flat the minimum GIA should be 61 sq m for three persons or 70 sq m for four persons.
7. However, the space standards are to be applied to new dwellings only, rather than existing ones. With regard to extensions to existing properties, Policy D3.D(7) of the London Plan (2021), Policy DM1 of the Harrow Development Management Policies (2013) ('HDMP') and Policy DM26 of HDMP collectively require residential developments to deliver appropriate levels of privacy and amenity for future occupiers, but do not set out specific minimum sizes. In this instance, whilst the additional room could theoretically be used as a third bedroom, the actual outcome is an enlargement to a currently under-sized flat. It would provide additional accommodation and greater flexibility for the use of the flat, leading to a betterment in living conditions for the occupants.
8. Concluding on this issue, I consider the extension would create an internal configuration that is practical and fit-for-purpose for a ground floor flat and it would provide sufficient space for its residents. Consequently, the appeal proposal would comply with the relevant policies of the development plan, as set out above, and the National Planning Policy Framework, which seek to ensure a good standard of amenity for residential properties, and do not impose specific minimum sizes on extensions to existing dwellings.

Conditions

9. Having regard to paragraph 56 of the Framework, the conditions set out above are necessary to ensure that the development is carried out within the statutory time period, in accordance with the approved plans and with materials to match the main dwelling.

Conclusion

10. For the reasons contained in this letter, I conclude the appeal is allowed.

J N Seymour

INSPECTOR