

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: 07 May 2024

Appeal Ref: APP/M5450/W/23/3325685

367A Station Road, Harrow, HA1 2AW

- 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 M Zabihi against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/3873/22, dated 10 November 2022, was refused by notice dated 24 January 2023.
 - The development is described as: Additions and alterations including four storey rear extension, additional storey and conversion of existing first and second floor flat to provide 5 x 1-bed flats and 1 x studio/office.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined, a revised National Planning Policy Framework ('the Framework') was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, apart from paragraph numbers, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

3. The main issues of the appeal are:
 - the design of the development and its effect on the character and appearance of the street scene and a locally listed building;
 - whether the proposed development would provide acceptable living conditions for future occupants, with particular reference to bedroom sizes, quality of outlook, access to light and ventilation, privacy, defensible space in front of bedroom windows and provision of external private amenity space;
 - the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to overbearing, loss of outlook, and privacy loss;
 - whether the proposed development would provide sufficient cycle parking and waste storage.

Reasons

Design

4. The appeal site comprises a four-storey mixed-use building with a commercial unit on the ground floor with two flats above. The appeal proposal would involve the construction of a four-storey rear extension to create a total of five flats and one studio/office, with the existing commercial unit on the ground floor remaining unchanged. The building is not a designated heritage asset, but it is locally listed as it forms part of an Edwardian terrace which has retained many of its original architectural features.
5. The appellant states that the proposed loss of the dual-pitched roof structure to create the flat and studio/office on the third floor is acceptable because it is not easily visible from the street. I disagree because on my site visit, I observed the dual-pitched roof structure from the eastern side of Station Road and the symmetry it has with the other properties in the terrace, which makes a positive contribution to its character and appearance. I also disagree with the approach that simply because one may not be able to see a particular architectural feature thereby justifies its removal. The loss of the dual-pitched roof for a larger and bulkier flat-roof structure would be harmful to the character and appearance of the area and the locally listed building.
6. The proposed four-storey rear extension would take on a similar form to the extension constructed to the rear of 371 Station Road when viewed from William Carey Way. However, despite the similarities highlighted by the appellant, the extensions at number 371 are set up against the much larger mixed-used commercial building at 373-375 Station Road. In contrast, the proposed extension would be exposed on both of its flanking elevations. In any event, extensions at another property, no matter how similar they may be, do not set a precedent for the appeal proposal because they were not assessed against the same local and national planning policies. The appeal proposal must be determined on its own merits.
7. The proposed extension would occupy almost every cubic metre of space available on all four storeys at the rear of the building. By designing the extension in this way with no subservience to the host building, the result is a cramped and disproportionate addition to the rear of the building which would severely compromise its character and appearance. When viewed from William Carey Way, the extension would appear dominant and overbearing due to its size and scale and would therefore have a negative impact on the streetscene.
8. For these reasons, the design of the appeal proposal conflicts with policies D3.D(1), D3.D(11) and HC1 of the London Plan (2021), Core Policy CS1 of the Harrow Core Strategy (2012) ('Core Strategy'), Policies APP1, APP2 and AAP4 of the Harrow and Wealdstone Area Action Plan (2013) ('AAP'), Policies DM1 and DM7 of the Development Management Plan Local Policies (2013) ('DMP') and the adopted Supplementary Planning Document: Residential Design Guide (2010) ('SPD').
9. Among other things, these policies aim for developments to achieve a high standard of design that responds to local distinctiveness by providing an appropriate layout, orientation, scale, appearance, density, spacing and shape. The appeal proposal fails to achieve these qualities.

Effect on Living Conditions of Future Occupants

10. The narrow width of the building and its proximity to its terraced neighbours on either side result in significant constraints for the design of a four-storey extension. To create individual access to each unit and to try and allow sufficient daylight into all habitable rooms, an internalised light well and void have been incorporated into the design. This would contain the staircase allowing access up to the third storey with bedroom windows facing internally towards the staircase.
11. This would create privacy issues for future occupiers which is a symptom of a contrived configuration of the building which fails to achieve a high standard of design and layout. Future occupiers would be regularly subject to other residents in the building walking past their bedroom windows. This is likely to create the need for blinds or curtains to be permanently drawn to retain privacy which would exacerbate the poor outlook that would already be created by having bedroom windows with very little access to natural daylight.
12. There is disagreement between the appellant and the Council regarding the minimum Gross Internal Area (GIA) of the proposed flats. The Council has assessed the proposal on the basis they would be 1 bed, 2 person (1b2p) flats, which require a minimum GIA of 50 square metres, whereas the appellant maintains they would be 1 bed, 1 person (1b1p) flats, which only require a minimum GIA of 37 square metres.
13. Even if the proposal is determined on the basis the flats are 1b1p, complying with the minimum GIA would not overcome the poor standard of amenity which would result from the proposal in terms of poor outlook and lack of privacy that I have identified above. The proposal would therefore be contrary to Policy D3.D(7) and D6 of the London Plan, Core Policy CS1 of the Core Strategy, policies DM1 and DM26 of the DMP and the SPD. Together these policies require a good standard of amenity for future occupiers of new residential developments, which the appeal proposal would fail to provide.

Effect on the Living Conditions of Neighbouring Residents

14. There is a dispute between the parties regarding the use of the neighbouring property at 369 Station Road. The Council has stated it is unclear whether the second floor at 369 Station Road has been converted from commercial to a residential use following an application¹ prior approval under Class O. There is no disagreement that the first floor has been converted to residential.
15. Meanwhile, the appellant argues that any residential uses at 369 Station Road should be disregarded entirely on the basis the prior approval required the commercial-to-residential conversion to be completed within three years, which the appellant maintains did not occur, thereby questioning the lawfulness of the residential use on the first floor of 369 Station Road. However, no decisive evidence has been provided by the appellant to establish conclusively that this is the case either.
16. The question of whether the residential use at 369 Station Road is lawful is not for this appeal to determine. The fact remains there is a dwelling currently adjoining the common boundary with the appeal site and I must determine the appeal on this basis. The four-storey extension would fail the 45-degree code

¹ P/1807/14

as stated by the Council, something not disputed by the appellant, which would result in harm to the residents of the flat at 369 Station Road by causing light restriction into their windows serving habitable rooms and creating an unacceptable overbearing impact.

17. Although none of the windows of the first floor flat at number 365 Station Road face directly towards the appeal site, its mono-pitched structure contains rooflights which would have their access to light restricted by the construction of the proposed four-storey extension which would tower over it. Furthermore, the four-storey extension would create an overbearing impact on the external areas of the neighbouring property, which would be exacerbated by the presence of the four-storey commercial building on the opposite side at 363 Station Road.
18. Ultimately, the appeal proposal would create unacceptable harm to the living conditions of residents of neighbouring properties in terms of light restriction and overbearing impacts. The appeal proposal therefore conflicts with Policy D3.D(7) and D6 of the London Plan, Core Policy CS1 of the Core Strategy, policies DM1 and DM26 of the DMP, the SPD and the Framework. Together these policies require a good standard of amenity for neighbouring residents of new development, which the appeal proposal fails to provide.

Cycling Parking and Waste Storage

19. The appellant states that the rear of the ground floor unit could be utilised for cycle parking and waste storage to be secured by a planning condition. This is not possible for two reasons. Firstly, this would contradict the proposed floor plans upon which the Council determined the application that states the room would be retained as a shop. Secondly, it would be impractical for the room in question to be used for storage of both waste and cycles.
20. In the absence of clearly defined separate spaces for cycle parking and waste storage, the appeal conflicts with policies T5 and D6.E of The London Plan, policies CS1 of the Core Strategy, Policy AAP19 of the AAP and policies DM1, DM42 and DM45 of the DMP.

Conclusion

21. The proposal is poorly designed and would result in a loss of privacy and a poor outlook for future occupiers of the development. The proposal would also unacceptably harm the living conditions of residents of neighbouring properties and fail to provide adequate cycle parking and waste storage. Consequently, the proposal would conflict with the development plan, the Council's SPD and the Framework.
22. Therefore, for the reasons set out in this letter, the appeal is dismissed.

J N Seymour

INSPECTOR