



Appeal Decision

Site visit made on 10 April 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/M5450/W/23/3326230

6 Pinner Green, Pinner, Harrow HA5 2AA

- 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 Mohamed Hasham against the decision of the Council of the London Borough of Harrow.
 - The application Ref is P/4392/22.
 - The development proposed is a new studio flat to the rear of a shop unit including a rear extension, plus altering the roof with a ' triple glazing roof (Lanterns) and green roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development included on the application form contained additional details which related to matters which are not acts of development. I have removed these, even so, I have taken the points raised into account where appropriate.
3. A revised National Planning Policy Framework (the Framework) was published in December 2023. Whilst this publication is material to my considerations, in view of the nature of the determining issues in this appeal and taking account of natural justice, I have not considered it necessary to seek observations from the main parties.

Main Issues

4. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to outlook and ventilation; and
 - the effect of the proposal on the vitality and viability of the existing use of the appeal property or the existing commercial parade.

Reasons

Living Conditions

5. The appeal site comprises a mid-terraced two storey building which is located in a non-designated commercial parade. There is a beauty salon on the ground

- floor with residential accommodation above. Other uses in the parade include a dentist, a printshop and a vet with residential use above.
6. The beauty salon comprises a reception area, a main salon and four treatment rooms. The proposal would involve the addition of a single storey extension to the rear of the appeal property and the conversion of part of the existing beauty salon to residential use.
 7. The proposed studio would be of an adequate size to accommodate kitchen, living and sleeping areas with a separate shower room. Although compact the proposal would provide a suitable living space. The kitchen area would be at one end of the proposed studio and the rear facing windows would be at the other. Nevertheless, given that the appellant has provided details to show that the proposed lanterns would have single bay roof vents, I am satisfied that the proposal would provide adequate ventilation.
 8. However, although the proposal would have lanterns, these would only allow views upwards and as a result the proposed studio would have a single aspect to the rear. The proposed windows to the rear elevation would look out onto the rear service lane.
 9. The parking space to serve the appeal property would be in located front of the rear facing windows serving the proposed studio. As a result, when there is a vehicle parked in this space the outlook for future residents would be of the side of a vehicle. Even when no vehicle parked would be parked in the space, the outlook would be immediately towards the service lane which serves the other commercial uses in the same parade.
 10. Such an arrangement would not provide a reasonable outlook from habitable rooms and would have a detrimental impact on the living conditions of future residents. Although the other flats above the shops also look out onto this area, these are at first floor level and so have a more open view and unlike the proposed development they do not immediately look out onto a parking space.
 11. I therefore conclude the proposal would not provide acceptable living conditions for future occupants, due to poor outlook. As a result, the proposal would conflict with Policy D3 of the London Plan - The Spatial Development Strategy for Greater London March 2021 (the London Plan) and Policy DM1 of the Harrow Council Development Management Policies July 2013 (HCDMP), which among other things seek to ensure that development proposals deliver an appropriate outlook and achieve a high standard of amenity.
 12. The proposal would also be at odds with the guidance in the Mayor of London Housing Supplementary Planning Guidance March 2016 and the Council's Supplementary Planning Document – Residential Design Guide adopted 15 December 2010 which among other things seek to ensure that the orientation of single aspect dwellings enhances amenity, including views and that occupiers of new homes enjoy reasonable outlook from habitable rooms. The proposal would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that developments create places with a high standard of amenity for existing and future users.
 13. I note that in their decision notice the Council has referred to the Department for Communities and Local Government – Technical housing standards – nationally described space standard. However, in their delegated report they

accept that the proposal would provide adequate space in accordance with these standards, and I agree. However, compliance with these standards is a neutral factor in the determination of the appeal.

Vitality and Viability

14. The proposal would result in a significant loss of the existing floorspace associated with the beauty salon. Paragraph 97 of the Framework seeks to ensure that established shops, facilities, and services are retained for the benefit of the community. Policy E9 of the London Plan seeks to prevent the loss of retail and related facilities but sets out that surplus retail use should support other planning objectives and could include residential development.
15. Policy CS1.M of the Harrow Core Strategy February 2012 (HCS) sets out that the HCDMP will set out appropriate uses within centres and neighbourhood retail parades and Policy DM38.B of the HCDMP indicates that residential is not an appropriate use of ground floor premises in neighbourhood parades and non-designated frontages of town centres and will be resisted. Although, the Council accept that the appeal site does not fall within a town centre boundary, because they consider that the commercial parade which includes the appeal property, is of notable social and economic value, they nevertheless consider that the proposed development would conflict with Policy DM38.8 of the HCDMP.
16. However, I do not agree. Even if the appeal property was located within a town centre, which the Council confirm it is not, and although on the face of it the proposal would involve the introduction of residential use on the ground floor, such use would be located behind the area to be retained and would be imperceptible when viewed from the street.
17. Moreover, the retained salon would have a window display and frontage that would be appropriate to this setting. As a result, the proposed arrangement with the beauty salon to the front and the proposed studio behind would be acceptable. Further, although the proposal would involve the loss of about half the existing floorspace, the proposed configuration with space for a separate hairdresser/salon, a reception area and two treatment rooms would provide adequate retained commercial floorspace. Such an arrangement would ensure the continued viability of the existing use which would be retained for the benefit of the community. Consequently, the proposal would not conflict with the objectives of Paragraph 97 of the Framework.
18. It follows that the floorspace that would be lost would be surplus to requirements and consequently in accordance with Policy E9 of the London Plan, the proposed studio would be an appropriate use.
19. I therefore conclude that the proposal would not harm the vitality and viability of the existing use or the commercial parade and would therefore accord with the relevant development plan policies and the Framework as set out above.

Other Matters

20. I note that the proposal would also involve the introduction of a roof garden, which would be an attractive feature. However, that element, nor the fact that the proposal would not harm the character and appearance of the area outweighs the harm the proposal would have on the living conditions of future residents due to poor outlook.

Conclusion

21. Although I have found that the proposal would not harm the vitality and viability of the existing use or the commercial parade, I have also found that the proposal would not provide acceptable living conditions for future occupants, due to poor outlook. As a result, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

S Rawle

INSPECTOR