



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: 13.05.2024

Appeal Ref: APP/M5450/W/23/3335010

220 Byron Road, Wealdstone, Harrow HA3 7TF

- 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 Martin Kaye against the decision of London Borough of Harrow.
 - The application Ref is P/2409/23.
 - The development proposed is first floor side extension; roof extension including two rear dormers; installation of two rooflights in front roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for first floor side extension; roof extension including two rear dormers; installation of two rooflights in front roof slope at 220 Byron Road, Wealdstone, Harrow HA3 7TF in accordance with the terms of the application, Ref P/2409/23, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan dated 20 August 2023 (Planning Portal Reference: PP-12356542v1) and Drawing Number 220BR-PP1-02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the commencement of the development hereby approved, a Fire Safety Statement shall be submitted to and approved in writing by the Local Planning Authority, this statement shall include details of how the development will function in terms of the following: 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point 2) is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures 3) is constructed in an appropriate way to minimise the risk of fire spread 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users 5) develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published to be included), and which all building users can

have confidence in 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development. The development shall be carried out in accordance with the approved statement prior to the occupation of the approved development and thereafter maintained.

Preliminary Matters

2. The description of development included on the application form contained additional details which related to matters which are not acts of development and I have removed these.
3. During the appeal process, the appellant submitted a more detailed plan showing the existing ground floor plan, which also confirmed the ground floor flat numbers. As this merely highlighted the existing situation and made no amendments to the proposed development, I have taken account of this more detailed plan in the determination of the appeal.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the host building and the area;
 - The effect of the proposed development on the living conditions of the occupants of flats 1,2 and 3 on the ground floor of the appeal property, with particular reference to noise and disturbance; and
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regards to floor to ceiling height.

Reasons

Character and appearance

5. The appeal property is located within an established residential area where most houses are of the same period and design, although more modern houses have been constructed including flats at Harkett Court and a row of terraced houses immediately next to the appeal property in Harkett Close. I observed that other properties within the vicinity have had rear dormers incorporated into their roof slopes. As a result, dormer extensions are not an uncommon or alien feature in the street scene.
6. The appeal property is the end terrace in a long row of similar properties that are set back from the road by shallow front gardens, some of which have been converted for parking. The appeal property has been extended to the side. The use of a false pitched roof with a significant expanse of flat roof behind which because of the corner site is intrusive detracts from the character and appearance of the area.
7. The proposal would involve the introduction of a modest first floor side extension which would be sited above a large part of the existing flat roof. Although the false pitched roof would be retained, the proposed side extension would be set in from the side boundary and would help to alleviate the negative effect of the existing flat roof. As a result, this element would appear

harmonious in the street scene and overall, the proposal would enhance the character and appearance of the area.

8. The proposed alterations to the roof, although unconventional as it would involve the introduction of a chamfered roof profile in-order to accommodate the shape of the plot and the proposed loft accommodation. Notwithstanding that the wall of the proposed extension would not be entirely parallel to the existing wall, as the proposed side elevation would be set in from the boundary by an appropriate distance, the proposal would not be incompatible with this setting and would also remove the existing unsightly flat roof. As a result, this element would have a neutral impact on the character and appearance of the area.
9. As outlined above, rear dormers are not an alien feature within the street scene. The proposed dormers would be subordinate features in the roof, would be set down from the ridge of the roof and set up from the eaves. The Council point out that the northern dormer would not be set in from the roof edge by 1 metre, but a clearly visible section of roof around the sides of the proposed dormers would be retained which, in accordance with the Supplementary Planning Document – Residential Design Guide adopted 15 December 2010 (SPD) would ensure that the proposed dormers would be visually contained within the profile of the roof.
10. As a result, the proposal would not unacceptably dominate the host buildings or impair its proportions or character and therefore would not harm the character and appearance of the area.
11. I therefore conclude that the proposal would not harm the character and appearance of either the host building or the area. Consequently, the proposal would accord with Policy D3 of the London Plan - The Spatial Development Strategy for Greater London March 2021 (the London Plan), Policy CS1.B of the Harrow Core Strategy February 2012 (HCS) and Policy DM1 of the Harrow Council Development Management Policies July 2013 (HCDMP). Amongst other things, these policies seek to ensure new development comprises high quality design appropriate for its surroundings, which responds positively to the local context. The scheme would also accord with the National Planning Policy Framework (the Framework) which promotes development that is sympathetic to local character.
12. The proposal would also accord with the guidance contained within the SPD which seeks to ensure roof alterations and dormer windows should complement the original street character and not dominate buildings or impair their proportions or character.

Living conditions – neighbouring residents

13. At the application stage, the layout of the existing ground floor flats had not been provided and as a result, the Council concluded that the appellant had not demonstrated that the proposal would not result in unacceptable noise and disturbance to the ground floor flats (flats 1,2 and 3) due to the position of kitchens and living space on the first floor.
14. The appellant has now provided the ground floor plans. As a result, the kitchen and living areas of the reconfigured flats at first floor level would be appropriately laid out. The open plan kitchen/dining room of flat 4 on the first

floor would be above the lounge/living area of flat 3. The open plan kitchen/lounge of flat 5 would be above the kitchen, lounge and bathroom of flat 1. Moreover, there would be a small improvement in the living conditions for the residents of studio flat 2 as although the lounge of flat 4 would be above this dwelling, the existing kitchen element would be removed in the proposed layout.

15. I therefore conclude that the proposal would not unacceptably harm the living conditions of the occupants of flats 1,2 and 3 on the ground floor of the appeal property with particular reference to noise and disturbance. As a result, the proposal would accord with Policies D3 and D6 of the London Plan and Policies DM1 and DM26 of the HCDMP, which among other things seek to ensure that housing development should provide rooms with comfortable and functional layouts, deliver a high standard of amenity and help prevent or mitigate the impacts of noise.
16. The proposal would also comply with the SPD which among other things seeks to ensure that the design and layout of conversions should minimise the potential for noise transfer between homes. The proposal would also comply with the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Living conditions – future occupants

17. The proposal would involve the introduction of additional living space within the loft for flats 4 and 5 which are one-bedroom flats with an existing floor space of 35 sq.m and 27 sq.m respectively. Both flats fall below the minimum internal space standards as set out in Table 3.1 referred to in Policy D6 of the London Plan.
18. The existing flats were granted under a certificate of lawfulness. However, clearly in the event that planning permission is not granted, the flats would remain well under the minimum internal space and would not comply with Policy D6. This proposal is a legitimate fall back and consequently is a material consideration of significant weight. The proposal would result in both flats exceeding these minimum standards. On the other hand, the proposed ceiling height in the proposed loft areas of each flat would be below 2.5 metres, being 2.4 metres at the highest point sloping down towards the front due to the roof profile and 2.1 metres in the space created by the dormers. This would not meet the requirement set out in Policy D6 of the London Plan that the minimum floor to ceiling height must be 2.5 metres for at least 75 per cent of the gross internal area of each dwelling.
19. However, bearing in mind that the first floor living space of both flats would have a floor to ceiling height of 2.5m and the bedroom areas of both flats would have adequate head room to function appropriately and would be fit for purpose, I consider that the proposal would not unacceptably harm the living conditions of future occupants. Rather, given the significant increase in floor area that would materially improve the living space for both flats I consider that the living conditions of future occupants would be improved.
20. Bringing things together having taken account of the fact that the proposal is for an extension to existing flats rather than a new conversion, overall, the proposal would be of sufficient high-quality design that would provide adequately sized rooms with comfortable and functional layouts.

21. I therefore conclude that the proposal would provide acceptable living conditions for future occupants, with regards to floor to ceiling height. As a result, the proposal would accord with Policies D3 and D6 of the London Plan and Policies DM1 and DM26 of the HCDMP, which among other things seek to ensure that housing development should be of a high-quality design, provide adequately sized rooms with comfortable and functional layouts which are fit for purpose that deliver a high standard of amenity.
22. The proposal would also comply with the SPD which among other things seeks to ensure that the design and layout of conversions create a living space that is fit for purpose and sets out that the use of attic space, where there is sufficient headroom and a means of natural light/outlook, can usefully provide additional bedroom space as part of a split level flat. The proposal would also comply with the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Conditions

23. In addition to the standard implementation condition, a condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. Moreover, in the interests of the appearance of the scheme it is necessary to impose a condition to ensure the materials used match those used on the host building.
24. In the interests of fire safety and in accordance with Policy D12 of the London Plan it is necessary to impose a condition to ensure appropriate fire safety measures will be implemented at the appeal property.

Conclusion

25. For the reasons given above I conclude that the proposal would accord with the development plan and the Framework and therefore the appeal should be allowed.

S Rawle

INSPECTOR