



Appeal Decision

Site visit made on 21 June 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2024

Appeal Ref: APP/M5450/W/24/3337867

32 Francis Road, Harrow HA1 2QX

- 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 Zakaa Hussain against the decision of Harrow Council.
 - The application Ref is P/2068/23.
 - The development proposed is the conversion of a dwellinghouse into two flats (1 x 3 bed and 1 x 2 bed), a single storey front extension; refuse and cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a dwellinghouse into two flats (1 x 3 bed and 1 x 2 bed), a single storey front extension; refuse and cycle storage at 32 Francis Road, Harrow HA1 2QX in accordance with the terms of the application, Ref P/2068/23, 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: 32FR/OS, 32FR/01, 32FR/02, 32FR/03, 32FR/04, 32FR/05 and 32FR/06.
 - 3) Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping works for the forecourt of the site shall be submitted to, and approved in writing by, the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
 - 4) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
 - 5) The development hereby permitted shall not be occupied until the bin store, as identified on drawing no 32FR/03, has been provided. The bin store shall thereafter be retained and kept available for its intended purpose.
 - 6) The development hereby permitted shall not be occupied until the locked cycle stores as identified on drawing no 32FR/03 have been provided. The

cycle stores shall thereafter be retained and kept available for their intended purpose.

- 7) The development hereby permitted shall not be occupied until the obscurely glazed privacy screens serving the first floor balcony, as identified on drawing nos 32FR/04 and 32FR/05, have been installed, in accordance with details which shall have been first submitted to, and approved in writing by, the local planning authority. The privacy screens shall be permanently retained in accordance with those details thereafter.

Main Issue

2. The main issue is whether the scheme would provide appropriate living conditions for the occupants of the proposed first floor flat, with regard to the quantity and quality of outdoor space; and the effect of the proposal on adjacent occupiers' living conditions, with particular regard to overlooking.

Reasons

3. The proposed ground floor flat would have a large rear garden, whilst the first floor flat would be served by a balcony, accessed from its dining room. The balcony would be close to a first floor window at 34 Francis Road ('No 34'). However, that window is small and obscurely glazed, faces rearwards rather than towards the balcony, and serves a bathroom, which is not a habitable, or particularly noise-sensitive, space. There are no windows in No 34's first floor side elevation facing the site. The scheme would not therefore give rise to a significant loss of amenity within the dwelling at No 34.
4. The balcony would be enclosed by the host's rear and side walls, and by 1.8 metre high obscurely glazed screens. Subject to further details of that obscure glazing, which could be secured by means of a condition, those screens would, in normal use, prevent any significant overlooking of No 34's garden, or the garden serving the proposed ground floor flat at No 32. In urban areas such as this, some degree of overlooking is inevitable, and in the context of nearby upper floor windows, the proposed balcony with its privacy screens would not result in a harmful perception of overlooking, or a significant loss of privacy.
5. The balcony with its screens would provide a relatively private space which would not be overlooked, and given that it would be open to the sky and would have obscure glazing on two sides, it would not suffer from poor daylight. It would however be small, and it would have a rather enclosed ambiance. That said, it would provide a space for the limited number of occupants of this small flat to sit outside, or to perform basic domestic tasks, such as drying washing. Moreover, at 7.4 sqm, it would slightly exceed the minimum area requirements for a 3 person flat in Policy D6 of the London Plan 2021 ('LP').
6. For these reasons, the scheme would provide appropriate living conditions for the future occupants of the proposed first floor flat, without causing a harmfully adverse impact on nearby occupiers' living conditions.
7. The Harrow Residential Design Guide Supplementary Planning Document 2010 sets out at paragraph 5.15 that sufficient, functional amenity space should be provided for all new houses and flats wherever possible, but does not set numeric standards. For the above reasons, the scheme would comply with that approach, and having regard to its paragraph 5.17, the proposed balcony would not give rise to unacceptable overlooking and privacy considerations.

8. The scheme would not conflict with LP Policy D3.D(7), or with Policy DM27 parts A and C of the Harrow Development Management Policies 2013. These require that proposals shall deliver appropriate outlook, privacy and amenity, having regard to the location and dwelling mix, the likely needs of the occupants, the character of the area, the impact on neighbouring occupiers, and the quality of the space proposed. Neither would it conflict with the National Planning Policy Framework ('Framework') stance on creating places with a high standard of amenity.
9. I have considered the list of conditions suggested by the Council against the Framework's tests. The standard time limit is necessary, as is, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
10. In the interests of good design and the streetscene, I have applied a landscaping condition. However, having regard to the scheme's small scale, this condition requires the submission of details prior to the occupation of the development, not prior to its implementation as suggested. For similar reasons, and as the scheme includes a small front extension, I have applied a matching materials condition.
11. The approved plans identify a refuse store, and whilst I am not persuaded that a condition requiring that bins be kept within it at all times would be enforceable, it is reasonable and necessary, in the interests of the streetscene, for that store to be provided prior to the first occupation of the development, and that it be kept available for its intended purpose.
12. Having regard to the delegated application report, and in the interests of promoting sustainable transport options, I have also imposed a condition requiring the provision of the proposed cycle stores. Finally, for the reasons set out above, a condition is necessary requiring the submission of further details of the proposed privacy screens and requiring their installation.
13. Given its limited size and sloped form, the roof of the front extension could not realistically be used as a balcony or roof garden, and given its relationship with No 34, in the highly unlikely event that a window or other such opening would be installed in its very narrow flank, it would not harm those occupiers' amenities. The Council's fourth and fifth suggested conditions are therefore unnecessary.
14. Summing up, the scheme would ensure appropriate living conditions for existing and future occupiers and it would not conflict with the development plan when considered as a whole. Having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR