



Appeal Decision

Site visit made on 16 September 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/M5450/W/24/3340892
58 Spencer Road, Harrow HA3 7AR

- 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 D Kerai against the decision of the Council of the London Borough of Harrow.
 - The application Ref is P/2559/23.
 - The development proposed is the conversion of the dwellinghouse into four flats (1 x 1 bed, 2 x Studio and 1 x 2 bed); single and two storey side extension; two single storey rear extensions; two rear dormers and insertion of rooflights in front roofslope; external alterations; separate amenity space; boundary treatment; landscaping; refuse and cycle storage (demolition of attached garage at side and removal of rear dormer).
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the dwellinghouse into four flats (1 x 1 bed, 2 x Studio and 1 x 2 bed); single and two storey side extension; two single storey rear extensions; two rear dormers and insertion of rooflights in front roofslope; external alterations; separate amenity space; boundary treatment; landscaping; refuse and cycle storage (demolition of attached garage at side and removal of rear dormer) at 58 Spencer Road, Harrow HA3 7AR, in accordance with the terms of the application, Ref P/2559/23, subject to the conditions on the attached schedule.

Procedural Matter

2. I have taken the description of the proposal from Part E of the planning appeal form, which is the same as in the Council's decision.

Main Issues

3. The main issues are:
 - whether the occupiers of the proposal would experience appropriate living conditions, having regard to internal and external space; and
 - the effect of the proposal on the character and appearance of the site and the area.

Reasons

Living conditions

4. Policy DM 26 of the Harrow Development Management Policies 2013 ('HDMP') requires schemes of conversion to comply with the minimum space standards

in the London Plan 2021 ('LP'). LP Policy D6 reflects the DCLG Technical Housing Standards 2015 ('THS'), to which Part 2 of the Mayor of London Housing Supplementary Planning Guidance (2016) ('LHSPG'), the Mayor of London - London Plan Guidance: Housing Design Standards (2023) (LPHDS), and the Harrow Residential Design Guide Supplementary Planning Document (2010) ('RDG'), also refer. These set out minimum gross internal areas ('GIA') and built-in storage areas for new dwellings. More generally, and amongst other things, LP Policy D3 (7) and HDMP Policy DM 1 require schemes to deliver appropriate amenity.

5. The Council maintains that flat 4 would not meet the minimum GIA standards, and that flats 1, 3 and 4 would have insufficient built-in storage areas. In its delegated report ('DR') the Council sets out that flat 4's minimum GIA should be 58sqm – which is the standard for a 1 bedroom 2 person flat spread over two storeys. It continues that its GIA would be just 23.75sqm, although it does not explain how it came to that figure.
6. For my part, I note that although the floor area of flat 4's bedroom is not annotated on the drawings, it would appear to fall well below the minimum of 11.5sqm for a double bedroom in the THS. I therefore consider that this flat should be assessed as a 1 person unit. Having regard to the THS and LP Policy D6, the minimum GIA for a 1 bedroom 1 person single storey flat with a shower room is 37sqm.
7. Flat 4 would predominantly occupy the loft space, but it would also include a shower room and a passageway on the floor beneath. According to drawing no. 1547-002(4)-PL Rev C, there would be 29.9sqm of useable floor area with a headroom above 1.5sqm at loft level, and a further 7.6sqm at first floor. On that basis, the total GIA would be 37.5sqm.
8. Neither the LP, nor the THS, provide a minimum GIA for a 1 person two storey flat. However, having regard to 2 or 3 person units spread over two floors, additional space is required, given that flights of stairs are included in the GIA calculation.
9. Based on the blue lines on drawing no. 1547-002(4)-PL Rev C, the appellant's GIA calculation appears to include the stairs leading to flat 4's second floor. However, that area could not be said to provide a meaningful space which the occupants could realistically utilise for domestic purposes. On that basis, although flat 4 would have ample internal storage areas in a cupboard and under the eaves, it would appear to fall slightly short of the GIA standard.
10. Turning to flat 1, according to the Council's calculations, this would have a storage area of just 0.8sqm. However, a cupboard and store amounting to 2.6sqm are shown on drawing no. 1547-002(4)-PL Rev C, thus in excess of the 1.5sqm minimum standard. It is unclear how the Council arrived at its calculation, but based on that drawing, and given that flat 1 also exceeds the minimum GIA for a 1 bedroom 2 person flat by 2sqm, I am satisfied that the occupants would be provided with sufficient internal storage space.
11. According to the Council, flat 3 would have a GIA of 61sqm, which is the minimum standard for a 2 bedroom 3 person unit. However, whilst it claims that the flat would not have any storage areas, 3.7sqm of cupboard space is depicted on the drawing, which exceeds the 2sqm minimum standard. In accordance with Table 1 footnote 1 of the THS, built-in storage space is

included within the overall GIA, rather than being an additional requirement. Thus flat 3 would meet that standard.

12. Turning to external amenity space, the scheme would involve the subdivision of the existing garden to provide separate areas for each flat, together with a communal space. In its DR, the Council acknowledges that each flat's amenity space would meet the minimum requirement in the LP. Each space would be enclosed by 1.8 metre high close boarded fences to provide some privacy. Consequently, the scheme would provide sufficient space for its occupants to sit outside, relax, hang washing, and keep bicycles and other outdoor equipment. There would not therefore be a conflict with HDMP Policy DM 27.
13. Summing up on this issue, the Council contends that the property's conversion into four flats would result in an overly intensive use of the site and a poor standard of living accommodation for its future occupants. For the above reasons, I find that the GIA of flat 4 would fall slightly short of the standard in the development plan, but that in other regards the living conditions for the future occupants would be acceptable.
14. Thus, whilst there would be only very limited harm, there would nonetheless be a conflict with LP Policies D6 and D3 (7), and HDMP Policies DM 1 and DM 26, the LHSPG, the LPHDS, and the RDG – albeit the latter notes that for schemes involving conversions some flexibility and pragmatism will be required at the margins of each space standard. There would also be a limited conflict with the National Planning Policy Framework ('Framework') requirement to ensure a high standard of amenity for future users.

Character and appearance

15. Given their form and appearance, I have no reason to disagree with the Council's view, as expressed in its DR, that the proposed extensions and other alterations would harmonise with the scale and style of the existing building and its wider setting, in accordance with the advice in the RDG.
16. The proposed fences in the rear garden would respect the height and materials of other boundary treatment in the area, although the subdivision would create a slightly cluttered arrangement, with fences in close proximity to one another. That said, the subdivision of a garden into four separate enclosed spaces was recently permitted nearby at 52 Spencer Road (Ref: P/4266/22). The proposed fences on this site would not be visible in the streetscene, and even in some private views, from the gardens and rear elevations of nearby properties, they would be partially obscured by other boundary treatment, and vegetation.
17. The DR refers to an appeal decision at 42 Marlborough Hill where it was held that the subdivision of a garden would lead to a preponderance of fencing in a relatively small area (Ref: APP/M5450/W/20/3256527). I know little of that site's context but, unlike here, that Inspector found cumulative harm to the character and appearance of the area as a result of the fencing coupled with proposed extensions and alterations to the building.
18. The use of the property as four separate flats could generate limited additional comings and goings compared to its use as a single property, although I have not been presented with any cogent evidence on this matter, nor evidence that reasonable residential occupation would generate unacceptable levels of noise.

19. For the above reasons, the scheme would not harm the character or appearance of the site or the area. Having reached that conclusion, it is not necessary for me to consider the submitted barrister's opinion which relates to the conversion of 1 Spencer Road into four flats, and which was refused planning permission with a broadly similar first reason compared to the first reason in this scheme.
20. Thus, on this issue, the proposal would not conflict with those parts of LP Policy D3 D(11), or HDMP Policies DM 1, DM 26 and DM 27 which, in general terms, require a high standard of design, that has regard to local character and context, including the pattern of existing development. Nor would it conflict with the Framework's requirement for development to be sympathetic to local character, or with the similar stance at section 2.2 of the LHSPG.

Other matters

21. There would be just a single off-road parking space to the front of the building, but given the highly accessible location close to services and public transport, future occupiers would not necessarily require a private car to satisfy their day-to-day needs. On the basis of the evidence before me, the scheme would not add significantly to on-street parking pressures.
22. Whilst at the time of my visit the rear of the property was overgrown, given the proposed boundary treatment, the scheme would not result in a significant increase in overlooking from outdoor amenity areas to neighbouring properties compared to the garden's use by a single dwellinghouse.
23. Finally, whilst concerns are raised regarding the blocking of sunlight to the rear garden at 56 Spencer Road, having regard to existing built development, including projections to the rear of No 56, I have no cogent evidence that there would be a significant loss of direct sunlight as a result of this scheme such as to harmfully impact those occupiers' living conditions.

Other material considerations

24. According to the appellant's Planning Statement, the Council has not published evidence to identify a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by paragraph 77 of the Framework.
25. Given that the Council does not address that claim in its DR, and that it has not provided an appeal statement, I have proceeded on the basis that, having regard to Framework paragraph 11, the policies which are most important for determining the application are out-of-date, and that the tilted balance is therefore engaged.
26. As the scheme would add to the stock of housing within the borough, and given the Framework's requirement to significantly boost the supply of homes, this is a matter that carries substantial weight in its favour. The property is also located close to public transport, and a range of services and amenities, which the future occupiers would be likely to support. The building is largely derelict, and its conversion into flats would restore it and bring it back into use, and there would be a contribution to the local economy both during construction and from subsequent occupation. These constitute modest economic, environmental and social benefits, to which I attribute limited weight.

Planning Balance

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
28. The Framework sets out that in situations where the most important development plan policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
29. In this case, I have found that whilst the scheme would not harm the character and appearance of the site or the area, there would be very limited harm as a result of the slight shortfall of living space in one of the proposed flats, and consequently a slight conflict with the development plan.
30. However, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this case, the Frameworks' presumption in favour of sustainable development is a material consideration which outweighs the slight conflict with the development plan, and a decision should thus be taken otherwise than in accordance with it. The appeal will therefore be allowed.

Conditions and Conclusion

31. I have considered the Council's suggested conditions against the Framework's tests, making minor adjustments in the interests of clarity and precision. As well as the standard time limit for commencement, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the plans as provided to me and listed in the appellant's statement. In the interests of good design and the character and appearance of the host property and the area, a matching materials condition is also necessary, as is a condition requiring that refuse bins be stored in the designated areas.
32. In order to protect adjacent occupiers' living conditions, and in the interests of privacy, conditions are also necessary requiring that the windows in the side elevation of the scheme shall be obscurely glazed and fixed to a height of 1.7 metres above finished floor level as depicted on the plans, and that the proposed roofs of the extensions shall not be used as amenity areas.
33. I have not been provided with Policy D4 of the Harrow Unitary Development Plan, to which the Council's suggested condition no. 6 refers, and the status of that document is unclear. However, having regard to LP Policy D11 and the LHSPG's approach to designing out crime, I agree that the submission of details of security measures is necessary, with the specifics to be agreed between the parties.
34. My condition no. 8 is necessary in the interests of ensuring adequate and sustainable surface water drainage, given that the site is within a critical drainage area. The plans show that each flat would be provided with an upright shelter capable of accommodating three bikes, which I consider to be

sufficient for the limited number of occupants and their visitors. My condition no. 9 is therefore necessary in the interests of providing sustainable transport solutions and having regard to the limited on-site car parking.

35. LP Policy D12 requires all development to achieve the highest standards of fire safety. Whilst the scheme was accompanied by a Reasonable Exception Statement, and it is not a major development, I have very little information regarding proposed fire safety measures. Having regard to the DR, and that there would be 4 independent units of accommodation, I have therefore imposed a condition requiring such details to be provided prior to the occupation of the development.
36. Finally, having regard to the application form, and that the scheme relates to the conversion of an existing property, I have no reason to believe that, if any changes to foul drainage are required, the building cannot be connected to the existing mains sewer, or that ensuring an appropriate connection would not be secured through the Building Regulations. I have not therefore imposed the Council's suggested condition no. 9.
37. For these reasons, and having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. 1547-001-PL Rev C, 1547-002(4)-PL Rev C and 1547-003(4)-PL Rev C.
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
- 4) The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.
- 5) The windows in the side elevation of the proposed development shall be of purpose-made obscure glass, and shall be permanently fixed closed below a height of 1.7m above finished floor level, and shall thereafter be retained in that form.
- 6) The roof area of the extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 7) Prior to occupation of the development hereby permitted, measures to minimize the risk of crime and to meet the security needs of the development shall be installed, in accordance with details to be submitted to, and approved in writing by, the local planning authority. Those measures shall thereafter be retained in accordance with the approved details.
- 8) All areas of hard surfacing shall either be constructed from porous materials, or provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.
- 9) Prior to occupation of the development, the covered cycle storage for each flat, as depicted on the approved plans, shall be provided. Those storage areas shall be retained in accordance with the plans thereafter.
- 10) Prior to occupation of the development, fire safety measures shall be provided in accordance with a scheme to be first submitted to, and approved in writing by, the local planning authority. Those measures shall thereafter be retained in accordance with the approved details.