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# Appeal Decision

Site visit made on 28 October 2024

**by L Clark BA(HONS) DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 December 2024**

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**Appeal Ref: APP/M5450/W/24/3347606**

**41 Milford Gardens, Edgware, Harrow HA8 6EY**

- 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 Mrs Linda Monago against the decision of the Council of the London Borough of Harrow.
  - The application Ref is PL/0395/24.
  - The development proposed is conversion of dwelling to two flats (1 x 2 bed & 1 x 3 bed); installation of first floor level gantry with external steps to rear; external alterations; vehicle access; parking; separate amenity; landscaping; boundary treatment; bin storage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have amended the description of the development in the banner heading above to that used on the decision notice and by the appellant on their appeal form. This is a more comprehensive description of the proposed development than that given on the application form and ensures that it accurately captures the scope of the proposal.
3. The Council refers to double bedrooms on the left-hand side of the property with regard to the width. In the absence of a statement or identification in plan form, I have taken this to be the narrowest proposed bedroom on both floors to the left when viewed in plan form.

## Main Issues

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the host property and surrounding area with particular regard to the gantry, bicycle store and refuse and waste recycling bins;
  - the effect of the proposed gantry on the living conditions of occupiers of 40 Milford Gardens (No 40) with particular regard to privacy;
  - whether the proposed development would provide acceptable living conditions for future occupiers in terms of internal living space;
  - whether the proposed development would promote sustainable transport with particular regard to whether it would provide adequate provision for cycle parking for future intended occupiers; and

- whether or not adequate arrangements are made to manage flood risk.

## **Reasons**

### *Character and appearance*

5. The appeal property (No 41) is a semi-detached property located within a predominantly residential area. No 41 is set at right angles to properties on Methuen Road. The orientation of No 41 results in the rear elevation and garden being visible from a number of properties. No 41 appears to have been previously extended by a two-storey side and rear extension and a full-width single-storey outrigger, with the two-storey outrigger constructed off the shared boundary with the adjoining property No 40. Its rear garden is fully enclosed by the residential gardens of neighbouring streets. Despite its enclosed nature and given the street pattern, it is visible from a number of properties including the gap between 48 and 50 Methuen Road.
6. The proposed gantry would extend outwards from the main rear wall of the extended outrigger and would project upwards from ground level to the existing flat roof at the first floor. The structure would project approximately half the overall depth of the garden.
7. Within the immediate area, I saw a number of properties that appeared to have been extended to the rear with dormer extensions, and at least two properties on Methuen Road had Juliette balconies. However, none had additional structures projecting out from the main rear wall or independent access to the first floor.
8. The overall projection and height when viewed from the rear would dominate the rear elevation of No 41. A structure of this scale would be seen from the rear of properties on Methuen Road and within Milford Gardens. The visible nature of the structure would appear discordant both within its rear garden and alongside the prevailing character of the surrounding area.
9. With regards to bicycle storage, no formal facilities are currently on site. Whilst the proposed plans show none would be provided, the appellant contends that there is access to the rear amenity area via a side gate. However, No 41 is built up to the shared boundary with properties on Methuen Road and I saw no obvious side gate. Given the lack of direct access to the rear, storage for bicycles would likely be to the front.
10. From the evidence before me, bicycle storage would significantly add to the quantum of items to the front of the appeal property. The addition of bicycle storage would therefore result in the frontage appearing cluttered when viewed within its immediate context and its surroundings.
11. At the time of my site visit, there were three wheelie bins and a caddy visible within the street. Bins were also visible to the front of several other properties within the immediate vicinity. The Council state that two wheelie bins and one caddy would be required per flat (a total of four wheelie bins and two caddies), along with four cycle parking spaces.
12. Proposed Plan 195 shows that two bins per property would be to the front. The cumulative effect of the increase from three to four wheelie bins, together with an additional caddy and bicycle storage would exacerbate the visual clutter to the front of the property which would be seen within the street scene.

13. I conclude that the gantry to the rear and storage of refuse waste recycling bins and bicycles to the front would harm the character and appearance of the host property and the surrounding area. Accordingly, the proposed development conflicts with Policies D1, D3, D6 and D.11 of the London Plan 2021, Policy CS.1B of the Harrow Core Strategy 2012 (Core Strategy) and Policies DM1 and DM45 of the Harrow Council Development Management Policies 2013 (DMP). These collectively seek, amongst other matters, to ensure that development responds positively to the local context in terms of design. There would also be conflict with the Supplementary Planning Document – Residential Design Guide (SPD), which provides advice to ensure that the scale of development harmonises with the character of the area. Furthermore, there would also be conflict with chapter 12 of the National Planning Policy Framework (the Framework) which seeks, amongst other matters, for development to be sympathetic to local character.
14. The Council contend that the proposal would be contrary to Policy DM23 of the DMP, however this policy relates specifically to Streetside Greenness and Forecourt Greenery. The proposed development would make no alteration to the existing level of hard surfacing to the front.

*Living conditions – No 40*

15. The gantry would protrude out from the rear elevation of No 41 and would provide a level platform to the first floor. The rear of No 40 has habitable rooms, with clear glazed rectangular bay windows located close to the shared boundary at first and ground floor. The proposed steps to the gantry and flat roof over the existing single-storey outrigger would be located close to the shared boundary. The steps, when in use to access Flat 2, would provide direct views into both of these rooms. Furthermore, the roof would provide a level platform at the first floor where future occupants could access Flat 2. Whilst no dimensions have been provided, it is clear from the submitted plans that it would be capable of accommodating a number of people. Given its proximity to No 40, the use of the gantry would enable direct views into neighbouring habitable rooms. This would have a harmful effect on the privacy of the occupiers of No 40.
16. For these reasons, I conclude that the proposal would have a harmful effect on the living conditions of existing nearby residents with specific regard to privacy. I therefore find conflict with Policies D6 and D3 of the London Plan, Policy DM1 of the DMP and the SPD. These collectively seek to ensure that development achieves a high standard of amenity. There would also be conflict with the Framework which seeks, amongst other matters, high standards of amenity for existing users.

*Living conditions – future occupiers*

17. Policy D6 of the London Plan prescribes, amongst other matters, minimum gross internal floor areas (GIA) for residential units and minimum widths for bedrooms. Standards set out in Policy D6 are intended to provide a good standard of living for intended future occupiers. Whilst both flats would meet the minimum GIA required, there is dispute with regards to the width and standard of accommodation.
18. Submitted plan 101 shows that both flats would occupy 4 persons. Policy D6 states that dwellings with two or more bed spaces must have at least one

double (or twin) bedroom that is at least 2.75m wide and a minimum floor area of 11.5 sqm, and every other additional double (or twin) bedroom must be at least 2.55m wide.

19. With regards to Flat 1, both bedrooms are shown to have the same GIA. Given that the room to the left is the narrower of the two, I have taken this for the purposes of Policy D6 to be the 'additional double (or twin)'. The Council contend that this room would measure approximately 2m in width and, in the absence of any evidence to the contrary, this bedroom would fall significantly short of the 2.55m.
20. Despite access on-site not being gained to this room, the proposed plans show the width to be approximately the same as the bedroom above, which I did have access to. I saw that this room was long and narrow and contained a double bed, side table, wardrobe and two sets of drawers. The double bed and side table were beneath the window, with no obvious room on either side. The double bed and quantum of furniture made the room feel very cramped with little room to circulate. Given that the bedroom in Flat 1 would accommodate two persons, the proposal would result in little useable space for the intended future occupants, and this would add to a confined living arrangement.
21. With regards to Flat 2, there would be 3 bedrooms for 4 persons. Given that the largest of the proposed bedrooms would measure 12 sqm, it is likely that this would be a double and that the remaining two would be single bedrooms. Policy D6 states that a single bedroom must have a floor area of at least 7.5 sqm and be at least 2.15m wide. As above, a width of 2m would fall below the minimum width, however, given that this room would be for single occupancy, and from my observations on site, a single bed with a side table could comfortably be placed beneath the window with the remaining room capable of containing furniture for one person with the room retaining adequate space for circulation.
22. Whilst I have found the bedroom to Flat 2 would be adequate for single occupancy, this is not the case for the double bedroom within Flat 1. I therefore conclude that the proposed development would not provide acceptable living conditions for future occupiers in terms of internal living space. Accordingly, the proposal conflicts with Policies D6 and D3 of the London Plan, and Policies DM1 and DM26 of the DMP, insofar as they seek high levels of internal amenity for future occupiers. There would also be conflict with the Mayor of London Housing Supplementary Planning Guidance 2016, the SPD and Housing Design Standards LPG 2023, which collectively seek to ensure indoor environments that are comfortable and inviting for people to use and which deliver appropriate amenity. There would also be conflict with the Framework which seeks, amongst other matters, for development to create places with a high standard of amenity for future users.

### *Sustainable transport*

23. As noted above, no bicycle provision has been shown on the submitted plans and given the site circumstances, it is likely that any proposed storage would be to the front. Policy T5 of the London Plan states amongst other matters, that proposals should help remove barriers to cycling and securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located, in accordance its minimum standards. The Council state that a minimum of 4 cycle parking spaces for the two units would be

required. I have considered the use of a condition to secure adequate cycle provision, however, given my findings on the first main issue, the use of a condition would not be reasonable in this case.

24. The absence of adequate bicycle provision to provide a sustainable travel choice for future occupiers would be contrary to Policy T5 of the London Plan and Policy DM42 of the DMP which collectively seek, amongst other matters, for cycle parking to meet or exceed the minimum London Plan standards, and the design and layout of parking areas (including those for bicycles) should be safe, secure and fit for purpose. There would also be conflict with the Framework, which advises that development should provide supporting facilities such as secure cycle parking.

### *Flood Risk*

25. The appeal site falls within Flood Zone 3a for Surface Water. Whilst the Council acknowledges that conversion would not result in significant extensions which would materially increase the mass of No 41, without a Flood Risk Assessment (FRA) it contends that it was unable to determine whether the proposed development would have an adverse impact to the surface flooding within the surrounding area.
26. In that regard, the Framework states, amongst other matters, that local planning authorities should ensure that flood risk is not increased elsewhere and that a strategic FRA should manage flood risk from all sources. This approach is now reflected within the Planning Practice Guidance (PPG)<sup>1</sup>. The PPG clarifies that a FRA is needed for all development including minor development (change of use) in Flood Zones 3a or 3b that, amongst other matters, increases the vulnerability classification and may be subject to sources of flooding other than rivers or seas.
27. Whilst No 41 is currently residential and within a vulnerable classification, the proposed development would result in a new dwelling and thus increase the number of vulnerable uses within the site. The proposal would subdivide the property horizontally which would result in the future occupants of the ground floor flat having no alternative accommodation to take refuge in the event of a flood.
28. There is no FRA before me and in its absence, I am not satisfied that it has been demonstrated that the proposal would be acceptable with regard to flood risk. It follows that the proposal conflicts with policies SI12 and SI13 of the London Plan, Policy CS1U of Core Strategy and Policies DM9 and DM10 of the DMP. These collectively seek to ensure, amongst other matters, that development achieves an overall reduction in flood risk and increases resilience to flood events. The absence of an FRA would also be in conflict with paragraph 174 the Framework.

### **Planning Balance and Conclusion**

29. The creation of an additional dwelling would support the Government's objective of significantly boosting the supply of homes. However, the increase in housing numbers and matters of good design are not mutually exclusive. I have found harm to the living conditions of future intended occupiers, harm to the living conditions of the occupiers of No 40 and harm to the character and

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<sup>1</sup> Table 2: Flood Risk Vulnerability Classification

appearance of the area. I have also found that the proposed development fails to provide adequate bicycle provision to provide sustainable travel options for future occupiers and that there is insufficient evidence to demonstrate risks associated from flooding. This cumulative harm outweighs the benefits in this case.

30. For the reasons set out above, the proposal conflicts with the development plan taken as a whole. There are no other considerations which indicate that the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

*L Clark*

INSPECTOR