



Appeal Decision

Site visit made on 31 January 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/M5450/W/24/3349353

12 Elm Park, Harrow HA7 4BJ

- 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 S Danilet against the decision of the Council of the London Borough of Harrow.
 - The application reference is PL/0770/24.
 - The development proposed is described as the conversion of dwelling into four flats (1 X 1 bed and 3 X 2 bed); single storey side extension; first floor side to rear extension; single and two storey rear extension; external alterations; parking; landscaping; bin and cycle stores.
-

Decision

1. The appeal is allowed, and planning permission is granted for the conversion of dwelling into four flats; single storey side extension; first floor side to rear extension; single and two storey rear extension; external alterations; parking; landscaping; bin and cycle stores at 12 Elm Park, Harrow HA7 4BJ in accordance with the terms of the application, Ref PL/0770/24, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. The description of the proposal given in the above heading is taken from the application form lodged with the Council. However, the plans show that No 12 is proposed to be converted into one flat with 1 bedroom, two flats with 2 bedrooms and one flat with 3-bedrooms. I have assessed the proposal on that basis and, for accuracy, omitted the number of bedrooms within each flat in my decision.
3. An interested party raises concern that the appeal application and plans contain several omissions and inaccuracies. I have taken the points raised into account in my assessment of the proposal, which is based on all the evidence before me and my observations 'on the ground'. On that basis, I am satisfied that the details of the appeal scheme as shown on the plans and detailed in the written evidence allow a reasonable assessment of the development sought.
4. On 12 December 2024, a revised National Planning Policy Framework (the Framework 2024) was published. An amendment to the Framework 2024 was also issued on 7 February 2025. The Framework 2024, as amended, does not raise any new matters that are determinative to the outcome of this appeal.

Main Issue

5. The main issue is whether the proposed development would provide satisfactory living conditions for future occupiers with particular regard to amenity space, outlook and potential noise and general disturbance.

Reasons

Amenity space

6. The proposal is to extend, alter and convert the appeal property, which is a detached dwelling, to create 4 self-contained flats, which are numbered 1 to 4 on the submitted plans. The occupiers of flat No 1 would have direct access to, and sole use of, the back garden nearest to the rear of the main building, as proposed to be extended. The remaining part of the rear garden would serve the occupiers of flats 2, 3 and 4 on a communal basis. A gymnasium with a shower room would also be provided within a detached garden outbuilding for all future occupiers.
7. Access to the communal rear garden from flats 2, 3 and 4 would be less than ideal given that it would involve walking from the accommodation around the front, side and beyond the back of the building. This arrangement could reduce the value of the shared garden as useable external amenity space, especially if it also requires walking downstairs or upstairs as in the case of flats 3 and 4. Nevertheless, the generous size of the shared rear garden and its position well away from the road with a separate access would offer a pleasant and secluded area for a range of outdoor activities such as gathering together with others, sitting out or children's play. It would also be conveniently located for use with the communal gym.
8. I appreciate the Council's concern that communal gardens in new development can be underused because occupiers often prefer truly private space. Equally, the quality and attractiveness of garden space are also factors that would influence its use. In this case, I find that the provision of communal amenity space away from the main building for the future occupiers of flats 2, 3 and 4 would be acceptable.

Outlook

9. Bedroom 2 of flat 1 would be served by a single window that would be close to the side boundary of the site with the flank wall of the adjacent property evident just beyond. Even so, this window would be set back from the boundary that would allow some sense of openness in views from it, and the plans show that planting would be introduced that would visually soften the outlook from this room.
10. The windows serving the bedroom and living room of flat 2 would be close to the off-road car parking space and main entrance to the building. Consequently, the view from these habitable rooms would include a parked vehicle or, in its absence, a hard surface area, with planting on 3 sides, a walkway, bin stores and the road beyond. While less than ideal, this arrangement is not unusual for front rooms within flats or dwellings at ground floor level and the landscaping proposed in the front garden would provide some screening and defensible space.
11. The windows of bedroom 2 to flat 3 would face the flank wall of the adjacent property to one side of the site, which is 10 Elm Park, as would the window serving the staircase. These windows are in a similar position to the existing windows in the flank wall of No 12 and it is unclear whether they face habitable rooms within No 10. Therefore, I am not convinced that obscure glazing would be required to

these windows. Bedroom 2 of flat 4 has 2 windows, one of which would be a good size and allow a spacious view across the rear garden of No 12. For all these reasons, the outlook from the windows serving the new flats would be acceptable.

Potential noise and general disturbance

12. The Council is critical of the proposed internal layout of some of the new flats and has referred to the Supplementary Planning Document: *Residential Design Guide* (SPD), which advises that bedrooms should not overlap living rooms, kitchens and bathrooms on other floors. In this case, a bedroom of flat 1 would be directly below the living and dining room of flat 3 and the living room of flat 4 would partly overlap bedroom 2 of flat 3. This arrangement could lead to the transmission of noise between these flats that might disturb their respective occupiers.
13. To overcome this problem, sound insulation could be installed that would protect the living conditions of future occupiers. This matter could be covered by a condition, which the appellant appears to be willing to accept. I also note that the Council's Environmental Protection Team raises no objection.
14. More generally, if the appeal scheme were to come forward it is possible that compared to the use of the property as a single dwelling that there would be some additional activity associated with extra residents, such as the coming and going of people and their visitors to the property. However, there is no convincing evidence that the additional noise and general disturbance associated with these movements would be so great as to materially harm the living conditions of future occupiers.

Conclusion on the main issue

15. On the main issue, I therefore conclude that the proposed development would provide satisfactory living conditions for future occupiers. Therefore, it does not conflict with Policies D3 and D6 of The London Plan, or Policies DM 1, DM 26 and DM 27 of the Harrow Development Management Policies Document. It also complies with the Framework 2024, and the guidance within the Mayor of London Supplementary Planning Guidance *Housing*, The London Plan Guidance and the Council's SPD. Taken together, these policies and guidance aim to ensure that new development safeguards residential amenity.

Other matters

16. The site lies just beyond the Old Church Lane Conservation Area (CA), which derives its significance as a designated heritage asset largely from the eclectic mix of historic buildings and the areas of green space within it. Given the separation distance between the site and the CA, the Council's Conservation and Design Officer raises no objection subject to conditions to require matching materials and details. From my observations and the submitted evidence, I have no reason to disagree with this finding. On that basis, the proposal would preserve the character and appearance of the CA.
17. The Council does not raise any concerns in relation to parking provision or parking pressures and in the absence of any substantive evidence, I conclude that the proposal is acceptable in this respect. I also note that the Council's Highways Officer raises no objection.
18. It is likely that there would be some overlooking from the finished building towards the side and rear of the properties on either side of the site. However, in my

experience, overlooking of this type is a common characteristic of the relationship between buildings that stand side-by-side in built up areas. To my mind, the additional overlooking possible would have no significant impact on the living conditions of the occupiers of the adjacent properties.

19. The additional built form could reduce the natural light reaching the rear of No 10 given its position just to the south of this neighbouring property. However, the main direction of outlook from and source of lighting to the rear of No 10 would not be significantly affected. As the proposal would be to the north of the property on the other side of the site, there would be no significant loss of sunlight to this adjacent property. The proposed layout, with the rear extension set back from the site's side boundaries would avoid the finished building appearing over dominant nor would it unduly heighten a sense of enclosure for the occupiers of neighbouring properties.
20. Some of the new flats would provide compact living accommodation. Even so, the room sizes and internal floor to ceiling heights would exceed minimum design standards, and each room would feel airy to its occupiers. As such, I am unable to share the concerns of the Council and several objectors that the proposal would be an overly intensive use of the site or that the accommodation would feel cramped.
21. Part of the new rear extension would be evident in some views from the road, which is not shown on the plans showing the proposed front elevation of No 12. Nevertheless, I share the Council's view that the completed building would not look out of place among the varied built form that generally characterises the street scene and the local area. Moreover, it would not constitute over development of the good-sized plot. While the surrounding area appears to mainly comprise of family-sized houses, the proposal would not result in a level of intensity such as the coming and going of people that would result in any serious adverse effect on the character and appearance of the locality or the living conditions of others.
22. I have had regard to third party comments regarding precedent, however I am required to determine the application on its own merits. Any significant issues arising in relation to noise and disturbance during the construction phase would be controlled through other legislation.

Conditions

23. The Council has not suggested any conditions be imposed if the appeal were to be allowed. Nevertheless, several conditions are necessary in this case to make the development acceptable.
24. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require the use of external materials to match those of the existing building. For the same reason, conditions are imposed to require details of the storage arrangements for refuse and cycles.
25. To safeguard the living conditions of future occupiers a condition is imposed to ensure that sound insulation is in place. I shall also impose a condition in relation to secure by design in the interests of the safety of future residents. The need for this condition is referred to in the Officer's report.

Conclusion

26. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of 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: Refs Elm/24/P/01, Elm/24/P/02, Elm/24/P/03 and the Location Plan, which shows the site edged red.
- 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) No flat hereby permitted shall be occupied until sound insulation has been installed in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved insulation shall be permanently retained thereafter.
- 5) No flat hereby permitted shall be occupied until evidence of Secured by Design Certification has been submitted to the local planning authority, or justification has been submitted where the accreditation requirements cannot be met. The Secure by Design measures shall be implemented, and the development shall be retained in accordance with the approved details.
- 6) Notwithstanding the details shown on the approved plans, no flat hereby permitted shall be occupied until cycle storage, refuse storage, recycling and collection facilities have been provided in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved cycle storage, refuse storage, recycling and collection facilities shall be permanently retained thereafter.