



Appeal Decision

Site visit made on 18 February 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/M5450/W/24/3355001

2 Roxeth Green Avenue, Harrow HA2 8AF

- 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 Ramalingam Shanmugalingam against the decision of the Council of the London Borough of Harrow.
- The application Ref is PL/1593/24.
- The development proposed is conversion of property to form 4no. self-contained flats.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the application form also referred to the provision of five parking spaces. However, amended plans were submitted during the consideration of the application. The amendments included reducing the number of parking spaces to four. I have, therefore, not included this part of the proposal within the description of development and have relied on the plans to indicate the number of parking spaces to be provided.

Main Issues

3. The main issues are:
 - whether the proposal would amount to over-intensive use of the site which would affect the character of the area; and
 - the effect of the proposal on the living conditions of neighbouring occupiers, with regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal property is a semi-detached dwelling. The space to the front is hard surfaced and accommodates car parking. At the rear is a hard surfaced yard, accessed off a track which also leads to the rear and garages of other properties on Roxeth Green Avenue and Eastcote Lane.
5. The area is residential and comprises detached and semi-detached houses of varying designs and sizes, many with the frontages hard surfaced for parking. Roxeth Green Avenue has grass verges with trees, interspersed with areas for parking. Although some of the houses in the area have been extended and altered, flat conversions are not apparent. Overall, I consider the character of the

area is defined as residential and, in the main, the houses are occupied as single-family dwellings.

6. Although the dwelling has been extended, I have no compelling evidence that these extensions were built with the intention of subdividing the property into smaller units, as asserted by the Council. The planning history suggests that the consents for the extensions and alterations are of some age which would seem to run counter to this suggestion. Nevertheless, the principle of sub-division of a single dwelling to flats is supported by policy and would optimise the use of the appeal property and add to the supply of smaller homes in Harrow.
7. Moreover, the subdivision of the building to four flats follows the existing internal layout, utilises existing staircases, windows, and internal walls, to provide two flats on each floor. The plans ensure that bedrooms would not overlap living rooms/kitchens and would, therefore, not result in harmful transference of noise. The flats would all be provided with sufficient room sizes to meet the minimum space standards, including storage and ceiling heights, and all are dual aspect with natural light to habitable rooms. The layout would, therefore, not be cramped or contrived or result in poor internal living conditions for the future occupants.
8. However, the previous extensions and alterations have resulted in the property being left with only a small space to the rear which, at the time of my visit, was hard surfaced. The appeal proposal would further reduce this area by providing a car parking space and landscaping.
9. From the evidence before me and my own observations, even though neither main party have provided me with a calculation of the garden area, it would fall below the requirements of Standard 26 of the Mayor of London Housing Supplementary Planning Guidance, March 2016 (the Lon SPG) which seeks to ensure a minimum of 5sqm of private outdoor space for each 1-2 person dwelling. I have no compelling evidence to the contrary, or to support the appellant's assertion that the garden complies with the required standard.
10. Moreover, given the corner location of the property, the previous extensions and the rear parking space proposed, the size of the garden would be noticeably reduced and perceptibly much smaller than others around it, even though it is already smaller than other gardens in the immediate area. Even though the dwelling would not be altered the reduction in the garden area would damage the quality of the environment and detract from the character of the area to a harmful extent.
11. For the same reasons, it would also not be appropriate to subdivide the garden into four, as suggested by the appellant, as this would result in even smaller garden areas.
12. For the above reasons, the proposal would amount to an over-intensive use of the site which would affect the character of the area. The proposal would, therefore, be contrary to policies DM1, DM26 and DM27 of the Harrow Council Development Management Policies, July 2013 (the DMP) which, taken together seek to secure a satisfactory quantum and form of amenity space for future occupiers of residential development, and ensure that the gardens respect the character and pattern of existing development in the area.

13. The proposal would also fail to comply with Policy D3, subsection D(7), and Policy D6, subsection (D), of The London Plan, The Spatial Development Strategy for Greater London, 2021, (the LonP) which, amongst other matters, seek to ensure that developments deliver appropriate amenity and maximise the usability of outside amenity space.

Living conditions

14. The existing dwelling is a semi-detached property within a residential area. The proposed conversion, therefore, would have the potential to affect the living conditions of the occupiers of neighbouring properties, as noted by an interested party.
15. However, the existing property could accommodate a large family, an extended family, adults with young children or adults with grown-up children. Although the occupants of the flats would have different schedules, this could also be the case for a large dwelling occupied by a family with several adults. I am not persuaded that any difference in the level of comings, goings, and general activity, between the existing dwelling and the four flats as proposed, would be significant and noticeable enough to adversely affect the living conditions of the occupiers of neighbouring properties.
16. The transfer of smells between kitchens in the proposed flats and the adjoining property would depend on the position of extraction systems. It is not likely that there would be noticeable transfer of smells through the walls and any kitchen extraction could be designed to vent away from the bedroom windows of the neighbouring property.
17. For the above reasons, the proposal would not unacceptably adversely affect the living conditions of neighbouring occupiers, with regard to noise and disturbance. In this regard, the appeal proposal would comply with the relevant subsections of Policies DM1 and DM26 of the DMP which, amongst other matters, require developments to have regard to any impact on neighbouring occupiers, including the impact of activity and noise, and ensure that the levels of activity would not be detrimental to the residential amenity and character.
18. For the same reasons, the proposal would comply with Policy D3 subsections D(5) and D(7) of the LonP which, amongst other matters, seeks to make the best use of land, achieve safe, secure, and inclusive environments and deliver appropriate outlook and privacy. Nevertheless, the lack of any harm to the living conditions of the occupiers of the neighbouring properties would not outweigh the harm I have identified to the character of the area.

Conclusion

19. For the reasons given above the appeal should be dismissed.

K Townend

INSPECTOR