



Appeal Decision

Site visit made on 25 March 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/M5450/W/24/3356661

Padda Court, Northolt Road, South Harrow, Harrow HA2 0LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Padda against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/0941/23.
 - The development proposed is erection of an additional floor on top of an existing four-storey block of flats to provide five additional self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Class A of Part 20, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built detached block of flats as well as certain associated works.
3. For development to be permitted it must satisfy the limitations set out at paragraph A.1. and the conditions at paragraph A.2. of Class A. Furthermore, Article 3(9A) of the GPDO states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse where: (a) the gross internal floor area would be less than 37 square metres (sqm) in size; or (b) the new dwellinghouse would not comply with the nationally described space standard (NDSS)¹.

Main Issue

4. Before prior approval under Class A can be evaluated, it is necessary to determine whether or not the proposal falls to be considered as 'permitted development'. The Council has claimed the proposed dwellinghouses would not comply with the NDSS, and if this were the case, the proposal would not comprise permitted development on account of Article 3(9A) of the GPDO. If, however, the proposal could comprise permitted development, the Council has not raised any other objections in relation to the conditions at paragraph A.2. of Class A.

¹ Technical housing standards – nationally described space standard" issued by the Department for Communities and Local Government on 27th March 2015 (as updated with notes in May 2016)

5. Accordingly, the main issue is whether the proposal could be permitted development with regard to Article 3 (9A) of the GPDO relating to the NDSS.

Reasons

6. In order to comprise permitted development, the proposal must comply with the NDSS as a whole. The NDSS requires that new dwellings provide at least the gross internal floor space and built-in storage areas set out in Table 1.
7. Flat 23 is identified on the submitted plans as a one bedroom 2 person flat, however it also has a study, which is large enough to be used as a second bedroom. As a two-bedroom flat, 3 person flat, the Gross Internal Area (GIA) would be 59.40sqm which falls below the minimum requirement of 61sqm GIA set out in Table 1 of the NDSS.
8. The appellant puts forward that end users may inhabit the internal space differently to what is intended. However, the purpose of the NDSS is to ensure that where rooms are large enough to be used as bedrooms that the overall floorspace reflects the number of potential users. I note that the proposal seeks to replicate the existing flats, however the space standards of this existing accommodation does not justify further development which does not meet current space standards.
9. None of the proposed flats are shown to include built-in storage space to meet the minimum requirements set out in the NDSS. Nevertheless, any built-in storage space would be included within the overall GIA. Therefore, proposed Flats 22, 24, 25 and 26 would still meet the minimum GIA requirements set out in the NDSS. Given its floorspace falls below the minimum GIA requirements in the NDSS, proposed Flat 23 would fail to meet the requirement for built-in storage.
10. Although the proposal would provide additional dwellings to meet local housing need, by virtue of Article 3(9) it would not be permitted development.
11. The appellant has referred to the conduct of the Council in determining the application, however this is not a matter for me in determining the appeal.
12. In conclusion, I find that by virtue of proposed Flat 23 failing to meet the minimum requirements for floorspace set out in the NDSS, the proposal would not be permitted development with regard to Article 3(9A) of the GPDO.

Conclusion

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

C Skelly

INSPECTOR