



Appeal Decision

Site visit made on 8 April 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2025

Appeal Ref: APP/M5450/W/25/3359171

33 Carlton Avenue, Kenton, Harrow HA3 8AX

- 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 Swaminarayan Gurukul UK LTD against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/2554/24.
 - The development proposed is described as “demolition of existing extension, construction of part single and part two storey side & rear extension, loft conversion with rear dormer, front roof lights and conversion of resultant dwelling into 3 self-contained flats, division of rear garden with bin & cycle storey for each flat.”
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description on the decision notice is different to the application form with no agreement from the appellant. The application form sufficiently describes the development to and is therefore reflected above. In addition, and prior to this decision, a revised National Planning Policy Framework (the Framework) was published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issues

4. The main issues are a) the effect of the proposal on the character and appearance of the area with particular regard to the subdivision of the rear garden; b) whether the proposal would be appropriately serviced with specific regard to refuse storage; and c) whether or not acceptable living conditions would be provided for future occupiers.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is one of a pair of semi-detached dwellings set within a row of similar buildings. The dwelling sits centrally within the plot with parking provision to the front and long rear gardens contributing to a strong sense of spaciousness. Neighbouring plots follow this pleasant and open pattern which is a positive aspect of the character and appearance of the area.
6. The subdivision of the gardens would result in a break in the locally consistent long plots and give an overly small one to each flat. Notwithstanding the social benefit that these gardens would provide to the occupiers, they would result in a harmful break in the pattern of and spacious feel to them. Whilst spaces are to the rear, they would be highly visible to neighbours and resultantly the important contribution they make to the character and appearance of the area is not diminished. With this and the above in mind, the appeal scheme would have an unacceptable impact on the character and appearance of the area. This would lead to conflict with Policies D1 and D3 of the London Plan 2021 (LP), Policy DM 1 of the Harrow Council Development Management Policies 2013 (DMP), Core Policy CS.1B of the Harrow Core Strategy (CS) and the Framework which, amongst other things, seek to ensure that development proposals are of a high-quality design and standard.

Servicing Arrangements

7. The scheme proposes an internal access corridor to the rear gardens which would include spaces for bins and bicycles. Whilst the Council have not objected to the number of spaces, their concerns surround the suitability of the access to such.
8. The access to the bin storage from the furthest garden space to the front driveway whereby bins would be collected would not be significant. The internal corridor would be narrow; however, I am satisfied that someone would be able to move a bin down the remaining space without too much difficulty. Notwithstanding this, an occupant would have to manoeuvre said bin around several internal doorways, which would be unlevel due to the door frames, to access the outside space for servicing. I am not convinced that this would be reasonable and would thus be impractical and undesirable for the flat's occupiers. Therefore, the proposal would not provide sufficient access for servicing and would resultantly conflict with Policy DM 1 of the DMP and the Framework which, amongst other things, seek to establish and enhance the functionality of development. Policies D1 and D3 of the LP and Core Policy CS 1B of the CS are strategic in nature and so are not sufficiently relevant to this main issue.

Living Conditions

9. The proposal would provide one two-bedroom flat and two one-bedroom flats with varying floor spaces. Flats 1 and 2 would sit comfortably within the requirements of Policy D6 of the LP. The Council have raised that Flat 3 should be a two-bedroom unit as the study would fall just under the space standards for an additional bedroom. However, in doing so, it would fall under the requirements of Policy D6 for a two-bedroom three person flat and would subsequently conflict with it. Notwithstanding, the plans identify that the room would be a study and not a bedroom. The appellant has advised that the flat is to be only one bedroom, and I have no reason to disagree. This is what has been applied for. It would resultantly

fall within the policy requirements for a one-bedroom two-person flat and this element of the proposal would comply.

10. The issues around horizontal stacking is focussed around Flat 3's bedroom and Flat 2's kitchen/dining/living area. The Design and Layout Guidance for Residential Conversions Supplementary Planning Document (SPD) advises "where possible" horizontal arrangement of rooms should avoid bedrooms adjoining neighbouring living rooms. Whilst the bedroom would have a cupboard and sound insulation to meet building control standards separating the two different spaces, the kitchen cupboards would abut the separating wall, and I am not convinced that the mitigation measures proposed would sufficiently block the noise from the kitchen. Moreover, even if the kitchen cupboards were to be moved, the overall use is an eminently more social and therefore active environment compared with the neighbouring bedroom which would generally be used more for rest. Resultantly there would be a conflict of use in a close proximity. Therefore, this element of the proposal would unacceptably harm the living conditions of the occupiers of Flat 3 in terms of levels disturbance from noise.
11. Notwithstanding the lack of harm in regard to internal floor space, the proposal would fail to provide adequate living conditions for future occupiers. As such, it would conflict with Policies D3 and D6 of the LP, Policies DM 1 and DM26 of the DMP, the guidance in the Mayor of London Housing Supplementary Planning Guidance (2016) and the SPD which seek to ensure, amongst other things, that the living conditions of occupiers of properties are protected.

Other Matters

12. The proposal would provide two additional homes. Whilst this would be positive for choice and mix locally, such a benefit would be limited in the grand scheme. The Council is not experiencing an undersupply in this regard. I therefore give the matter limited weight. The appellant has also made some changes to the scheme based on advice from the Council. Such advice is not a guarantee a planning permission would be forthcoming. In any case, it does not absolve me from making an assessment as to the scheme's effects in regard to the main issues.

Conclusion and Recommendation

13. For the reasons given above the appeal scheme would not comply with the development plan and I have been given no compelling reason, taking into account other material considerations advanced, to deviate therefrom. I therefore recommend that the appeal should be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR