



Appeal Decision

Site visit made on 16 July 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/M5450/W/25/3362187

32 Kenmore Road, Harrow HA3 9EL

- 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 V Sarkari against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/2283/24.
 - The development proposed is described as “the conversion of HMO into four self-contained flats (3 x 2 bed and 1 x 1 bed); two storey side to rear extension; single storey rear extension; alterations to roof to raise ridge height and rear dormer; front porch; external alterations; separate amenity space; bin and cycle stores.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to policies within its emerging plan. The information before me indicates that the Draft Harrow Local Plan 2021-2041 (DHLP) is at Regulation 19 stage. Given that the DHLP is not the adopted development plan, and it is at an early stage, which is understood not to have been examined, and in view of the requirements of paragraph 49 of the National Planning Policy Framework, I attach limited weight to any relevant policies of the DHLP at this stage.
3. The appellant has submitted an amended plan with their appeal, to have a shared communal rear garden, and to partly address reason for refusal no. 3. This change has not been the subject of consultation with interested parties, as such, there would be unfairness if I were to accept the amended plan at appeal stage. Moreover, the appeal process should not be used as a way of addressing reasons for refusal. As such, I have not accepted this amended plan, and I have determined the appeal on the basis of the same plans that the Council also considered.

Main Issues

4. The main issues are:
 - Whether the principle of the proposed development on garden land is acceptable;
 - The effect of the proposed development on the character and appearance of the host property, the terrace, and the area, with particular regard to its design and scale;

- Surface water run-off and flood risk; and,
- Whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to the layout and outlook of the ground floor flats, and the outdoor space provision.

Reasons

Whether the principle of the proposed development on garden land is acceptable

5. The appeal site contains an end terraced, two storey property that has been extended by way of a two-storey side extension and a rear single storey extension. It is currently understood to be in use as a House in Multiple Occupancy. The proposed development would see the property further extended at the side and rear with a two-storey extension, a single storey rear extension, and a dormer roof extension. In addition, the appeal property is proposed to be used as 4 no. flats.
6. One of the overarching policy objectives of Core Policy 1 of the Harrow Core Strategy, dated February 2012 (CS) is to resist development on gardens. CS Policy CS1 also says growth throughout the rest of the Borough will be directed to town centres and strategic previously developed sites and proposals that would harm the character of suburban areas and garden development will be resisted.
7. Paragraph 75 of the Framework says plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Paragraph 129 also says the development of gardens is a relevant consideration when assessing the density of development and making an effective use of land. The approach within CS Policy CS1 to the development of garden land is therefore consistent with the Framework. It is also noted that gardens in built up areas is also excluded from the definition of previously developed land contained within Annex 2 of the Framework.
8. The Council's Supplementary Planning Document, Garden Land Development, adopted April 2013 (SPDGLD) says garden development relates to the development of gardens belonging to houses and those of communal areas for flats. It defines garden development as the formation of a new dwelling or flats, including works involving conversions. Although it states that in such conversions appropriate enlargement is permitted.
9. SPDGLD says that appropriate enlargement is defined as the footprint of any permitted extensions (excluding outbuildings) that could be exercised for the dwelling under permitted development (without requiring planning permission); or the footprint of an extension (excluding outbuildings) that would be consistent with the Council's Supplementary Planning Document, Residential Design Guide, adopted December 2010 (SPDRDG), and says any extensions already made to the building should also be taken into account. It further says that another exception is a gap site, which must be a 'missing piece' in an otherwise clearly defined rhythm of buildings and spaces in the streetscene, which are said to be usually obvious vacant plots, of dimensions consistent with those prevailing in the street. In this case, given the limited width of the appeal site, and the established pattern of dwellings around it, it cannot be regarded as a gap site.

10. In addition, with the appeal property already having had a two-storey side extension, the proposed development would not be permitted development. The SPDRDG says in relation to those extensions that require planning permission, they should harmonise with the scale and architectural style of the original dwellinghouse and the character of the area. It also recognises that side extensions have considerable potential to cause harm to the character of the streetscene, and says that to avoid negative impacts, they should respect the host property and the pattern of development in the area.
11. In this case, the proposed side and rear two storey extension would be a significant addition to what was the original dwelling, and far exceed what can be considered to be in scale or to harmonise with the appearance of it, the terrace it is part of, and the area. As such, I find that the proposal would not, in the words of SPDGLD, be regarded as an appropriate extension to the property, and it therefore cannot benefit from that exception for the development of garden land, as set out within the SPDGLD.
12. Although it is noted that there is no objection to the proposed development's effect on the rhythm of development, the assessment as to whether it is garden development is a different consideration.
13. I therefore conclude that the proposed development would be located on garden land and the principle of the proposed development would be unacceptable, it would also be contrary to CS Policy CS1 that has a presumption against residential development on garden land. In addition, there would also be conflict with the requirements of SPDGLD, which are set out above.

Character and appearance

14. The proposed two -storey side and rear extension to the already extended side extension would remove its partly lower ridge height and make the property substantially wider, deeper, and much more dominant. Its elongated front elevation would relate poorly to the appearance of the already extended property, and it would harmfully contrast with the scale and proportion of other properties within the terrace, interrupting their characteristic width and fenestration, including their gabled and bay elements, and unbalance the terrace of properties. In addition, the proposed two storey side extension would also be inconsistent with SPDRDG as it would not harmonise with the scale and architectural style of the property or the character and appearance of the dwellinghouse.
15. It is noted that the appeal property is located at the end of the terrace of properties, although this does not lessen the identified harm, and it would not be seen as a continuation of the terrace, but as an incoherent addition to it.
16. The appellant has drawn my attention to a side extension to no.34, where its extended roof is a continuation of its main hipped roof. However, no.34 is a semi-detached property, and its side extension is much narrower and does not dominate the host property. As such, and notwithstanding whether both properties would have similar roof designs and adequate space between them, its presence has not led me to conclude differently. In addition, the photographs provided by the appellant of end-terraced properties that have had their hipped roof designs altered to be gabled, are not comparable to the appeal scheme, as they do not have side extensions, and the alterations do not unbalance the terraces that they are part of.

17. The proposed subdivision of the rear garden to create 4 no. small private outdoor spaces for each of the proposed flats, would harmfully erode the established pattern, shape and size of the existing open rear garden belonging to the host property. Furthermore, its overly intensive use and consequential appearance, would be harmful to the character and appearance of other rear gardens in the immediate area. Whilst, the proposed arrangement of rear gardens may not be particularly noticeable from public vantage points, this does not justify poor design, and they would still be seen from neighbouring properties. The appellant has said that the spaces would be secure and private with landscaping buffers and that there is similar garden subdivisions approved elsewhere, although in respect of both points, I have no precise details before me, and whilst a condition could be imposed regarding boundary details, it would not address the identified harm.
18. The Council has not identified any harm in respect of the design and appearance of the proposed front porch, rear dormer roof extension, and the rear single storey extension, I see no reason to disagree. Nevertheless, this would not outweigh the identified harm arising from the proposed two-storey side and rear extension and rear curtilage arrangement.
19. I therefore conclude that the proposed development would be harmful to the character and appearance of the host property, the terrace it is part of, and the area. In doing so, I find the proposed development to conflict with Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), CS Policy CS1, and Policy DM1 of Harrow's Development Management Policies, adopted July 2013 (DMP), that collectively require new development to be of high quality design, that responds positively to the local distinctiveness in terms of design, siting, density and spacing.

Surface water run-off and flood risk

20. Despite the appeal site being located within Flood Zone 1, representing the lowest risk of flooding from rivers and the sea, it is said that the adjacent areas on Kenmore Road are within Flood Zone 3a, representing a higher risk of flooding. In addition, the Council has said the appeal site is located within a surface water Critical Drainage Area.
21. Paragraph 4.5 within the supporting text to DMP Policy DM9 says rainwater falling onto impermeable surfaces such as buildings and hard surfaces has traditionally been disposed of via Harrow's surface water drainage network. However, with the incremental urbanisation of the Borough and finite drainage network capacity, there has said to have been increasing incidences of surface water flooding in recent years. It adds that Harrow's Surface Water Management Plan (2012) identifies 15 critical drainage areas susceptible to flooding from surface water and other sources. These critical drainage areas are also shown on an accompanying plan within the supporting information to DMP Policy DM9, and the appeal site is shown to be within one of these critical drainage areas.
22. The proposed development would significantly increase the size of the existing building and its impermeable surfaces, as a result, there is likely to be an increase in surface water run-off. Whilst the application form specifies that surface water is to drain via a soakaway, it is unclear how effective this would be, or how it could affect flood risk at, and beyond the appeal site, there has also been no surface water drainage strategy submitted. Furthermore, it would not be reasonable to

condition the submission of a drainage strategy or flood risk assessment, as there could be mitigation or changes required to the proposed development which would need to be considered at application stage.

23. I therefore conclude that in the absence of a surface water drainage strategy there is insufficient information to properly assess the surface water run-off from the proposed development and any associated flood risks, and there would be conflict with LP Policies SI 12 and SI 13, and DMP Policies DM9 and DM10, that collectively seek to minimise and control surface water run-off, and to reduce and mitigate flood risks.

Living conditions – future occupiers

24. The proposed bathrooms to serve flats 1 and 4 (2-bedroom – 3 person units) are small, said to be some 2.2 square metres in size. However, there is also an en-suite bathroom within a double bedroom in each flat. In view of this, the small size of the main bathroom, which would most likely be used by the occupier of the single bedroom, is not considered to provide unsatisfactory or cramped living conditions and there would be adequate bathroom provision for the future occupiers of both flats.
25. The main habitable rooms serving flats 1 and 4 each have glazed double patio doors, and a window on the rear facing elevation, in addition, flat no.4 also has a side window. As such, even taking into account the size, shape and orientation of them, there would be satisfactory light and outlook from within these rooms to provide future occupiers with satisfactory living conditions, including within the corners of the rooms and allowing for a reasonable level of furnishings.
26. In terms of the internal layout of the proposed flats, it is noted that none of them have a bedroom that is accessed directly from the main habitable areas, instead they are accessed from a hallway. The layout of the flats, including their depth, shape, orientations and aspects would also provide satisfactory living conditions for future occupiers and they would have adequate outlook and light.
27. LP Policy D6 requires a single bedroom to have a minimum width of 2.15 metres, the proposed single bedroom within flat 4 would have a width of some 2.06 metres. However, given the relatively long depth of the room, there would be adequate space within the bedroom, including for storage and it would not be a cramped space.
28. It is noted that the Council does not raise objection to flat 4 being what it calculates as 0.42 square metres in floor area below the minimum 61 square metres required by LP Policy D6 (set out within its accompanying Table 3.1), the Technical Housing Standards – Nationally Described Space Standard, dated March 2015, and the London Plan Guidance, Housing Design Standards, dated June 2023 (LPGHS), and I see no reason to disagree. In this case, despite the very minor shortfall the proposed development would still provide satisfactory accommodation with adequately sized rooms and storage space.
29. Notwithstanding the above objections regarding the appearance of the proposed outdoor spaces serving all 4 no. flats, they would exceed the minimum size specified within LP Policy D6. Furthermore, they would each be capable, subject to a condition regarding boundary treatment, of providing a functional and private

space for future occupiers of the proposed development, and they would not be overly cramped.

30. I therefore conclude that the proposed development would provide satisfactory living conditions for future occupiers, and comply with LP Policies D3 and D6, and DMP Policies DMD1, DMD26, and DMD27, insofar as they require a high-quality design with adequately sized rooms and amenity space, an appropriate outlook, and achieve satisfactory indoor and outdoor environments. Although there would be some minor conflict with LP Policy D6 in terms of proposed flat 4's floorspace, and the width of its single bedroom, overall flat 4 would have adequate internal living space and its single bedroom would be an acceptable size, and its future occupiers would have satisfactory living conditions. The proposed development would also comply with paragraph 135 of the Framework insofar as it requires a high standard of amenity for existing and future users.
31. In addition, the proposed development would also be consistent with the key objectives of SPDRDG and LPGHS, insofar as they seek to ensure high standards of accommodation, and amenity space for future occupiers.

Other Matters

32. The appellant has referred to an approved development at 97 Streatfield Road, Harrow for the conversion of a dwelling into flats, together with extensions to the property saying how the Council considered that proposal differently to the appeal proposal, including how they applied Policies H1 and H2 of the LP. In that case the proposal was for a lesser number of flats, the property had not been extended already to the side and the proposed development had a sympathetic relationship to the host property, a flood risk assessment was provided, and no harm was identified on the living conditions of future occupiers. Consequently, I do not find that example to be entirely comparable to the appeal scheme and it has not led me to conclude differently. Whilst LP Policies H1 and H2 may in principle be supportive of the proposed development, the development plan must be read as a whole, and complying with part of it does not mean complying with it as a whole.
33. It is noted that planning permission was granted previously for a two-storey side extension together with the conversion of the property to flats. However, that permission lapsed some time ago and was considered against different development plan policies than the appeal scheme. I also do not have any precise details of that approval, and I attach limited weight to it.
34. It is acknowledged that the proposed development is a small site in a well-connected area (said to be near Woodcock Park and a range of shops and services), which can be regarded as a windfall site, and that it would provide a mix of housing, contribute to Harrow's overall supply of housing and be delivered quickly. The support offered by policies in the LP (including LP Policies H1 and H2) regarding higher density development is also noted, as is the economic benefits associated with the extension and conversion works. However, these arguments, even when taken collectively do not outweigh the identified harm and conflict with the development plan in this case, as set out above.
35. The appellant has said that the proposed development would provide 2 no. parking spaces and secure cycle storage; that there would be no harmful effects on highway safety; it is designed to have 10% of its energy from renewable sources; restrict water consumption; that there would be no unacceptable tree and

landscaping impacts; that fire risks have been properly considered; there would be no harmful effects on the living conditions of neighbouring occupiers; and adequate bin storage space would be provided. However, most of these aspects would likely be requirements of the development plan for any such well-designed development and are neutral factors that neither weigh in favour nor against the proposed development.

36. I have also had regard to an objection from a local resident in addition to the main issues above, including but not limited to the answers to questions provided by the appellant on the application form and the accompanying information. Whilst I can understand the concerns, I am content that there is sufficient information provided for me to properly assess the planning merits of the proposed development. It is also noteworthy that the Council found similarly.

Conclusion

37. I therefore conclude that the proposed development conflicts with the development plan taken as a whole, and there are no other considerations, including those raised by the appellant and the Framework, which outweigh that conflict. For the reasons outlined above, the appeal should be dismissed.

A Hunter

INSPECTOR