



Appeal Decision

Site visit made on 9 January 2026

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/M5450/W/25/3375292

147 Eastcote Lane, Harrow HA2 8RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Qasim Gulamhusein, Marlpark 71 HA4 Limited, against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/2026/25.
 - The development proposed is described on the application form as *"the front, side, rear and loft extension of the house at 147 Eastcote Lane, conversion to form 7 self contained flats"*
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Decision

1. The appeal is dismissed

Procedural Matters

2. The application is for outline planning permission with approval sought for scale and layout. Appearance, access and landscaping are reserved for future determination.
3. The drawings submitted with the application comprise a full set of proposed floor plans, elevations and sections and are similar in scope and detail to those ordinarily submitted with a full planning application. They include information relating to scale and layout together with information relating to the reserved matters. No distinction has been made between drawings put forward for determination and drawings provided solely for illustrative purposes as is common practice where outline planning permission is sought.
4. National Planning Practice Guidance¹ advises that where details have been submitted as part of an outline application, they must be treated by the local planning authority as forming part of the development for which the application is being made. Conditions cannot be used to reserve these details for subsequent approval. The exception to this is where the applicant has made it clear that specific drawings have been submitted for "illustrative purposes only". Describing unspecified drawings as illustrative in a planning statement is not an adequate means of indicating to a decision maker which drawings are determinative and which are not.

¹ Paragraph: 035 Reference ID: 14-035-20140306

5. The appeal is accompanied by a set of amended drawings. It is important that what is considered at appeal is essentially the same scheme that was considered by the Council and by interested parties at the application stage. The appeal process should not be used to evolve a scheme.
6. The application drawings show the retention of the garage at the rear of the site and provision of a single off-street parking space and an area of paving. The amended drawings show the removal of the garage and the provision of a far larger area of paving and 4 off-street car parking spaces. This would significantly alter the layout of the appeal proposal and therefore represents a substantive change. In addition, determining the appeal on the basis of these amended drawings would be prejudicial to the interests of interested parties and therefore contrary to established principles on this matter².
7. For the avoidance of doubt I consider the drawings for which outline planning permission has been sought, and therefore the subject of this appeal, comprise those listed below³.
8. The Procedural Guide: Planning appeals - England (2025) states that the Planning Inspectorate expects statements of case to be concise, not normally exceeding 3,000 words. The appellant's statement is 270 pages long. I have taken into account the contents of the statement in so far as they are directly relevant to the main issues set out below.

Main Issues

9. The main issues are:
 - (i) whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to external amenity space provision, internal space provision, outlook and ventilation.
 - (ii) whether the proposal would make appropriate provision for Biodiversity Net Gain, and
 - (iii) the effect of the proposal on highway safety, with particular regard to on-street parking.

Reasons

10. The appeal site is on the corner of Eastcote Lane and Alexandra Avenue and comprises two parcels of land. The first contains a detached 2-storey house with a long garden and detached garage to the rear. The second is a strip of land that borders the side of the garden and the footpath to the side of Alexandra Avenue. This area is enclosed by recent planting along the long boundary and covered in gravel.
11. The surrounding area is predominantly residential with houses of different styles and periods. Opposite the site, on the other side of Eastcote Lane, there is a parade of shops, and a corner plot has been redeveloped into a four-storey

² Bernard Wheatcroft v Secretary of State for the Environment (1982) and Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)

³ A108D, A109D, A110D, A111D, A112D, A113D, A116D and A117D

residential block comprising mainly flats. Alexandra Avenue is a wide tree-lined road bordered by 2-storey semi-detached houses.

12. The proposal would comprise the extension of the appeal property to the front, rear, side and at roof level to enable the formation of 7 self-contained flats. As the appellant notes the proposal would increase the footprint of development within the site from roughly 85sqm to about 260sqm and therefore on any sensible view, the scheme is a “near-new-build”⁴.
13. The appeal site has been the subject of a significant number of planning applications and appeals over recent years. In particular I note that outline planning permission with all matters reserved except for scale for a single storey detached building was granted at appeal in 2024⁵. In February 2025 planning permission was granted at appeal for development described as a single storey side extension and separately in April 2025 for a single storey rear extension and a two-storey front extension⁶. Planning permission was also granted in May 2025 for development described as “front to side” and “side to rear” extensions⁷.
14. In addition, the Council’s delegated report refers to 3 outline planning applications, which were pending determination in the latter part of 2025, and an appeal⁸ has recently been dismissed in respect of a proposal for a pair of dwellings on part of the appeal site. I have had regard to this decision in so far as it is relevant to the matters before me.
15. I recognise that the appeal site benefits from multiple extant permissions that represent potential fall-back development. However, details of these schemes are not before me and I note that none involve the creation of 7 flats. There is no evidence before me to indicate that the extant schemes are comparable to the appeal proposal in respect of the matters before me for consideration and therefore I attach limited weight to them.

Living Conditions

16. Flats 5 and 6 on the first floor would each include small rooms that are annotated “balcony” on the floor plans. Whilst these would have windows and would be separate from the main living spaces, they would not constitute meaningful outdoor amenity space or winter gardens. In particular, the “balcony” at the front would lack access to sunlight.
17. Flat 2 on the ground floor would have a small terrace at the front of the site directly next to the shared entrance to the building and a pair of car parking spaces. This space would lack adequate levels of privacy, or if screening were to be erected to overcome this, would be severely enclosed and result in compromised outlook from the living room. The terrace serving flat 1 would be close the busy road junction, the pavement and an area of publicly accessible verge. Tall screening or dense vegetation would be needed to ensure this space provides adequate privacy which would result in a very enclosed amenity space. Both of these spaces would lack

⁴ Appeal Statement paragraph 6.4.3

⁵ APP/M5450/W/24/3341507

⁶ APP/M5450/W/23/3331336, APP/M5450/D/24/3354429

⁷ PL/2026/25

⁸ APP/M5450/W/25/3374164

access to sunlight due to their siting on the north side of the development and due to the need for privacy screening.

18. Whilst not explicitly described as such on the drawings the appellant has advised that the large area annotated “garden/grass” would be communal amenity space. Occupiers of the flats 2 and 3 would potentially be able to gain direct access to this area. However, occupiers of the other flats would have to leave the building via the front door and access the garden via the side alley. This is likely to render the communal space unattractive for most residents. For these reasons the provision of communal space does not adequately compensate for the poor quality private amenity space described above.
19. The sole window serving the single bedroom in flat 5 would face the enclosed “balcony”. As a consequence of this the bedroom would have no direct access to natural light, would have limited outlook and natural ventilation would be compromised. Flat 3 would be single aspect with all its windows on the south side of the building and no shading from trees or nearby buildings. This unit would be susceptible to overheating or reliant on mechanical means of ventilation.
20. Taken together these aspects of the layout of the proposal would lead to unacceptable living conditions for future occupiers of the proposal. For these reasons it fails to accord with Policies DM1, DM26 and DM27 of the Harrow Development Management Policies Local Plan (2013) (HDMP) which seek a satisfactory standard of accommodation including in respect of privacy, daylight, outlook, exposure to external noise and the provision of amenity space. There is also conflict with the aims of London Plan Policy D6 (2021) (LP), which states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose, and the aims of Policy CS1 of Harrow Core Strategy (2012) (CS) and the National Planning Policy Framework (2024).
21. I note that in the retained part of the development the top floor living area would be above bedrooms which is less than ideal in converted/extended properties. However, I am satisfied in this instance, given the proposal is a near new-build, that adequate sound insulation could be secured via a planning condition to ensure that unacceptable levels of noise disturbance can be avoided. I note that one of the bedrooms has been annotated with an incorrect floor area on the drawings and this room would in fact accord with space standards.

Biodiversity Net Gain (BNG)

22. Under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2025 all applications for planning permission are required to be accompanied by information relating to Biodiversity Net Gain (BNG). The information required includes a statement as to whether the applicant believes, if granted, the planning permission would be subject to the biodiversity condition. Where this is the case the submission of various information at the application stage is triggered.
23. The appellant indicated on the planning application form that the proposal satisfies the de minimis exemption which includes development that impacts less than 25sqm of onsite habitat. The proposal would result in the footprint of development within the site increasing by far more than 25sqm. However, parts of the proposal would occupy areas that currently comprise hard surfacing at the front and rear of

the existing house. In addition, a large proportion would extend on to the land to the side of the existing house which has a gravelled surface but was previously grass.

24. Special provisions⁹ have been put in place for the calculation of the pre-development biodiversity value of onsite habitat when loss or impact to habitats has occurred prior to the submission of a planning application. Where unauthorised degradation of the onsite habitat has taken place on the land between 30 January 2020 and the date of relevant date, the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value of the habitat on the date immediately before the carrying out of these degradation activities.
25. The information before me indicates that the strip land to the side of the house was grass before being covered with gravel at some point in the last 6 years. As the proposal would occupy more than 25sqm of this former grassed area I am not convinced that the de minimis exemption applies.
26. In the absence of a valid exemption the proposal is statutorily required to demonstrate at least 10% BNG in mitigation. The minimum information requirements in this respect are not before me. As such the proposal fails to demonstrate sufficient BNG provision and therefore conflicts with the statutory requirements in this respect and is contrary to LP Policy G6 which requires development proposals to manage impacts on biodiversity and aim to secure net biodiversity gain, and the aims of HDMP Policies DM20 and DM21. The relevant legislation¹⁰ indicates that these matters cannot be overcome by the imposition of a planning condition.

Highway safety

27. The appeal site includes an area of the hardstanding at the front which is accessed from Eastcote Lane and a garage with hardstanding to the rear which is accessed from Alexandra Avenue. The appeal drawings show the provision of 2 off-street car parking spaces at the front and one to the rear, albeit within an area of hardstanding that would appear to be capable of accommodating 2 cars.
28. The proposal would create four 1-bedroom flats, two 2-bedroom flats and a 3-bedroom unit. Given the site's suburban location and its low PTAL rating it is likely that this intensification of residential occupation would result in a level of car ownership that would exceed proposed car parking provision, therefore resulting in greater demand for on-street spaces in the local area. The site is not within a Controlled Parking Zone (CPZ), and there is no evidence before me to indicate that such a zone would be created in the near future. As such car ownership cannot be discouraged by removing the right of future occupiers of the development to obtain parking permits.
29. The appeal site is situated next to a busy road junction and as such there is no on-street car parking on Eastcote Lane in front of the site or on Alexandra Avenue to the side. There is however on-street parking in nearby roads a short walk from the appeal site. At the time of my visit, during a weekday morning, there were some unoccupied on-street parking spaces in front of nearby houses. However, there is

⁹ Paragraphs 6 and 6A of Schedule 7A of the Town and Country Planning Act 1990 and 036 Reference ID: 74-036-20240214

¹⁰ Schedule 7A of the Town and Country Planning Act 1990

no evidence before me to confirm that this apparent local parking capacity persists outside working hours when demand is likely to be higher.

30. For these reasons I must conclude that due to its layout and the amount of housing proposed the proposal would lead to undue levels of parking stress in the local area and, as a consequence, an unacceptable impact on highway safety. As such the proposal is contrary to LP Policies T4 and T6, and DM Policy DM42 which set levels of appropriate off-street car parking and state that development should not create significant on-street parking problems or prejudice highway safety.
31. There is no information before me regarding the levels of off-street car parking that would be provided by the extant planning permissions, none of which it appears would create 7 flats. As such I find the appellant's views in respect of the consistency principle to be unproven.

Conclusion

32. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR