



Appeal Decision

Site visit made on 30 January 2026

by **D Marley BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th February 2026

Appeal Ref: APP/M5450/W/25/3375738

2A Dale Avenue, Edgware HA8 6AE

- 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 Dhiresh Kerai against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/2094/25.
 - The development proposed is described on the application form as "Conversion of dwelling into three flats (2 X 2 bed & 1 X 3 bed); Single and two storey side extension; Single and two storey rear extension; Alterations and extension to roof to raise ridge height and form rear dormers; Roof lights in front and side roof slopes; External alterations, Private amenity space; Boundary treatment; Bin and cycle stores, Landscaping, Parking to front (Demolition of attached garage and outbuildings at rear)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the appeal form, as this more accurately describes the site.

Main Issues

3. The main issues are:
 - whether the proposed development would provide satisfactory living conditions for future occupiers; and
 - the effect of the proposed development on highway safety, with particular regard to parking.

Reasons

Living conditions

4. The proposed development would result in the creation of 3 flatted units. The submitted plans propose 4 separate private outside areas largely enclosed by timber fencing, with Flat 1 being provided with 2 separate private outside areas. A glazed door and 2 skylights would be provided to the living, kitchen and dining room of Flat 2, with the door facing towards a timber fence and the skylights fitted to the roof facing broadly to the west. A bedroom serving Flat 1 would be in close proximity to the main front door to the building, and located immediately adjacent to a proposed parking space, with the proposed window of the identified bedroom looking towards the street.

5. In their decision notice and officer report the Council identify that the proposed development has the potential to affect the living conditions of future occupiers with regards to outlook for the occupiers of Flat 1 and 2, noise and disturbance for the occupiers of Flat 1, private outside space, natural light for the occupiers of Flat 2, and privacy for the occupiers of Flat 1 and Flat 2.

Outlook

6. As the sole opening providing a means of outlook from the living, kitchen and dining room of Flat 2, users of this room would face towards a timber fence in close proximity to their main eating and living area. This room would be likely to be well utilised by future occupants and, given its proximity, views from the glazed doors would be dominated by the presence of the timber fence. With no alternative means of outlook, the fence would appear over dominant and oppressive for future occupiers of Flat 2. This would conflict with the requirements of the Supplementary Planning Document Residential Design Guide (2010) (the 'SPD') as, although an external opening would be provided, it would not provide a satisfactory means of outlook.
7. The appellant has directed my attention to a previous permission whereby boundary treatments were located in close proximity to openings for 2 studio flats. Whilst I have not been provided with full details of this application, on the evidence before me the identified rooms would also be served with other larger openings facing towards either the front or rear of the property, which would likely provide an alternative means of achieving satisfactory outlook. Whilst the living, kitchen and dining room in Flat 2 would also be fitted with 2 skylights in addition to the glazed door, given their nature the skylights would not provide an alternative satisfactory means of outlook to the occupiers of Flat 2. As such, the previous permission identified by the appellant does not act to justify the appeal scheme in this regard.
8. Although not expressly identified in the decision notice, the Council set out in the officer report that it considers that the location of one of the proposed parking spaces would result in an unsatisfactory outlook from the front bedroom of Flat 1. Whilst the bedroom of Flat 1 would face over the parking space to the front, the likely nature of use of the parking space is that views would take into account both a parked vehicle and the residential street beyond. Existing built development would be a significant distance from the proposed window and, whilst the view would include a vehicle when the parking space was in use, this would not be of an overbearing or oppressive nature such that harm would be caused to the future occupiers of Flat 1.
9. Given the above, the proposed development would therefore fail to provide satisfactory outlook for the future occupiers of Flat 2. This would be harmful to their living conditions.

Noise and disturbance

10. Given the proximity of a bedroom of Flat 1 to the proposed parking space, it is likely that the comings and goings of vehicles to the appeal site would be perceptible for the occupiers of Flat 1. This would include noise from vehicle engines and doors, and light from headlights. Given the proximity, and the relatively private space within the accommodation from which it would be perceived, this would act to unacceptably disturb the future occupiers of Flat 1, particularly at night-time when the room would be more likely to be used.

11. The appellant has directed my attention to a number of nearby Houses in Multiple Occupation (HMOs) and existing properties the appellant identifies have bedrooms in close proximity to a parking space. However, I do not have full details before me with regards the internal layout of the HMOs, nor the relevant planning considerations that may have applied in the case of either the HMOs or the two identified dwellings with regards this matter. Whilst I have been provided with a decision notice for 4 Dale Avenue, this relates to a lawful development certificate for external alterations. As such, I cannot draw any direct comparison from the submitted examples that would weigh in the proposal's favour.
12. Equally, whilst the Council identify that a condition could have been imposed to include additional planting in front of the window of Flat 1 to mitigate noise and disturbance, there is little evidence before me to suggest that additional planting would adequately mitigate noise matters, and as such I cannot conclude that such a condition would be effective.
13. Whilst a condition could have been imposed to require details of soundproofing and construction detailing to ensure that future occupiers of Flat 1 were not disturbed by the use of the main front door, this would not outweigh the wider harm I have identified. As such, the proposed development would be harmful to the living conditions of future occupiers with regards noise and disturbance.

Private outside space

14. Whilst the proposed garden arrangement would provide 2 separate garden areas for the users of Flat 1, the proposals for each unit – including the garden areas of Flat 1 measured both individually and cumulatively – would nevertheless exceed that required by Policy D6 in the London Plan 2021 as well as the minimum guideline requirements set out in the London Plan Guidance: Housing Design Standards (2023). The proposed garden areas would not therefore be undersized.
15. I acknowledge that the primary garden area for Flat 1 would be triangular in shape, however its size is such that it would still allow sufficient space for future occupiers of Flat 1 to have a private space for their own outdoor enjoyment and for use for typical activities such as drying clothes. Given its overall size, whilst the timber fence would provide adequate privacy for future occupiers, it would not be of such height that it would appear oppressive for future occupiers of Flat 1 when using their primary or secondary garden.
16. Equally, whilst the garden for Flat 3 would be some distance from the associated dwelling, it would not be of such distance that users would be unable to use it for typical private outdoor activities. In addition, the proposed layout would not conflict with the requirements of the SPD that seeks to ensure all flats have access to a garden, nor the identification that consideration should be given to garden subdivision for proposals for three or more flatted units.
17. Furthermore, whilst concerns have been raised with regards the location of the proposed refuse storage, it would nevertheless accord with the requirements of the SPD to be located at the rear of the building. Additionally, the distance from the refuse storage to the front of the dwelling would not be of such extent that the refuse storage would not be suitably accessible for future occupiers when needed.
18. Therefore, the proposed arrangement of the private outside space and refuse storage would not result in harm to the living conditions of future occupants.

Natural light

19. Although the decision notice and officer report identifies that the living, kitchen and dining room of Flat 2 would only be provided with one opening for natural light, the plans before me identify that this room would also be served by a further 2 skylights. Equally, whilst the proposed glazed door would face towards a boundary fence, the fence would not be of such height that it would be likely to significantly reduce the extent of natural light reaching this room.
20. Given the above, alongside the broadly westerly facing nature of the roof on which the skylights would be fitted, it is likely that sufficient natural light would reach the openings of the living, kitchen and dining room of Flat 2. Future occupiers would not therefore perceive this area as unduly dark or lacking in sunlight. This would accord with the relevant provisions of the SPD insofar as habitable rooms would be provided with an external window providing natural light.

Privacy

21. Whilst the door serving the living, kitchen and dining room of Flat 2 would face towards the primary garden area of Flat 1, there would nevertheless be a timber fence at the boundary between the two properties. In this instance I consider that the provision of such a fence would be sufficient to provide adequate privacy for the future occupiers of both Flat 1 and Flat 2. Had I been minded to allow the appeal, it would have been appropriate to secure full details of the proposed timber fence by condition. The proposals would accord with the requirements of the SPD insofar as it seeks to avoid new doors in side walls giving rise to overlooking. The proposed development would not therefore result in harm to living conditions as a result of privacy.

Conclusion – Living conditions

22. Although I have not found harm with regards matters of natural light, privacy, and private outside space, the proposal would harm the living conditions of future occupiers with regards outlook, and noise and disturbance, and that is the prevailing consideration.
23. Given my overall conclusions on this matter, the proposed development would fail to provide satisfactory living conditions for future occupiers. The proposed development would be contrary to the relevant provisions of Policies D3 and D6 of the London Plan 2021, and Policies DM 1 and DM 26 of the Development Management Policies 2013. Amongst other matters, these policies require development proposals to deliver appropriate outlook and amenity and prevent the impacts of noise, to have layouts that are fit for purpose, and ensure that all habitable rooms have a satisfactory environment.
24. As I have found the proposal would provide satisfactory private outside space, the proposal would not conflict with Policy DM 27 of the Development Management Policies 2013, which requires appropriate amenity space to be provided.

Highway safety

25. The proposed development includes provision for 2 parking spaces. The site has a Public Transport Access Level (PTAL) of 1b. There is an existing bus stop in close proximity to the appeal site with a weekday daytime service running approximately

every 10 minutes. At my site visit, whilst only representing a snapshot in time, I observed that there was significant parking available on street.

26. Although the Council identify that proposals located in an area of PTAL 1b should provide adequate off-street parking to meet likely demand, my attention has also been drawn to Policy T6 and T6.1 of the London Plan 2021, which identifies that development proposals should not exceed identified maximum parking standards. The parking maxima, given the location of the appeal site in an area of PTAL 1b, would be up to 1.5 spaces per dwelling. Given the 2 parking spaces proposed, the proposed development would not exceed this maxima and would therefore not conflict with this policy. In addition, I further note that these policies identify that car parking should be restricted in line with levels of existing and future public transport.
27. Although the Council has raised concerns that the proposal would result in overspill to surrounding streets, no substantive evidence has been presented on this matter, and I saw no evidence from my site visit that a small number of additional vehicles would likely lead to excessive on-street parking or cause unsafe parking by other road users that might result in a detriment to highway safety. In any event, the regular availability of nearby public transport may act as a disincentive for car ownership for future occupiers and encourage future occupiers to use an alternative to the private car. As a result of this, I consider that the parking provision proposed would be sufficient to satisfactorily mitigate the transport impacts of the proposed development.
28. Whilst the Council has identified that a need for additional planting could result in a parking space being undersized, given my conclusions with regards the effectiveness of such a condition to mitigate noise and disturbance, and in the absence of additional details with regards the effect of Secure by Design principles on the parking space, there is no substantive evidence that the size of the proposed parking spaces would be insufficient.
29. Therefore, the proposed development would not result in a harmful effect on highway safety, with particular regard to parking. The proposed development would comply with the relevant provisions of Policy CS 1 of the Harrow Core Strategy 2012, Policies DM 1, DM 26 and DM 43 of the Development Management Policies 2013, and Policy T6.1 of the London Plan 2021. Amongst other matters, these policies identify that parking proposals for new development should be managed to contribute to a modal shift from the private car to more sustainable transport modes, for proposals to have regard to and make adequate provision for parking, to satisfactorily mitigate transport impacts, and to not exceed maximum parking standards.

Other Matters

30. Whilst the appellant makes reference to the potential use of the site for the purposes of social housing, there is limited detail before me with regards this, nor have I been presented with a mechanism to secure this matter in any event. As such, I afford this limited weight in my determination of the appeal.
31. I acknowledge that the proposed development would be acceptable with regards highways matters, that there may be a number of social, employment and other infrastructure nearby, and that the proposal would not be likely to generate greater

noise than certain other nearby uses, however these matters weigh neutrally in the overall balance.

32. I also acknowledge that the proposed development would provide additional dwellings, supporting the provision of housing in the Borough, and would result in economic benefits arising during both the construction and occupation phase of the development. Equally, the proposed development could assist in meeting need related to demand for accommodation associated with matches at a nearby stadium. However, the scale of development proposed means the contribution of the additional dwellings to meeting local housing need and the associated benefits would be limited and would not be sufficient to outweigh the harm I have identified.

Conclusion

33. The proposal would conflict with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

D Marley

INSPECTOR