

Appeal Decision

Site visit made on 9 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/T5150/W/16/3149022

31 Teignmouth Road, London NW2 4EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Shard Assets Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 15/5557, dated 21 December 2015, was refused by notice dated 9 March 2016.
 - The development proposed is the conversion of existing building containing 4 flats (Use Class C3) into five flats (Use Class C3) including a replacement single storey side/rear extension and conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing building containing 4 flats (Use Class C3) into five flats (Use Class C3) including a replacement single storey side/rear extension and conservatory at 31 Teignmouth Road, London NW2 4EB in accordance with the terms of the application Ref 15/5557, dated 21 December 2015, subject to the conditions set out in the schedule to this decision.

Main issues

2. The main issues are the effect of the proposal on the character and appearance of the host building and the local area and on on-street vehicle parking.

Reasons

3. The proposal is to convert and extend the appeal property, which is a detached building in use as flats, into 5 self-contained residential units. It is located within the Mapesbury Conservation Area (CA), which is mainly residential in character. Along Teignmouth Road, the broadly consistent style of the buildings with many set behind well kept and partly open gardens contribute to a well-mannered streetscape. The appeal building typifies the general style and form of nearby properties within this part of the CA and thus adds to the sense of cohesion in the existing built form. For these reasons, I share the Council's opinion that No 31 adds to character and appearance of the CA.
 4. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
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5. The proposal includes a single storey extension at the side and rear of the main building that would be a sizeable addition and project well beyond the main rear wall. It would also stand further forward than the single storey building and garage to be replaced, and thus would be more evident in the street scene than the existing property. Even so, the proposed extension would be modest in height and set back from the main front wall of No 31, nestling into the space between the tall flank walls of the buildings on each side. In this position, the full scale and bulk of the new extension would not be evident from the road or from the rear. Only the front elevation and flat roof would be visible from a relatively short section of Teignmouth Road in front and just to each side of the site. The upper part of the new extension may also be glimpsed from the rears of the properties on either side of No 31.
6. In views from the highway, the new extension would not be prominent due to its set back and confined position. With its clean, modern rectilinear style, flat roof and high-level front window, the extension would make its own visual statement. Nevertheless, its simple design and plain front elevation would complement the traditional style of the host building and nearby properties. Consequently, there would be no visual disharmony with the style, materials and fenestration of the existing building. Furthermore, the modest presence of the new addition would not be obtrusive nor would it disrupt the cohesion in the scale and form of buildings that characterise the local streetscape.
7. At the rear, the contrasting design of the new extension would add interest to the rear façade of No 31, replacing existing buildings that contribute little positively to the visual character of the property. From neighbouring back gardens, the new addition would be glimpsed with its appearance merely signaling a sympathetic contemporary style extension.
8. In front of the new extension would be partly enclosed cycle and refuse stores and parking space for 1 vehicle. The detailed design of the cycle and refuse stores could be the subject of a condition to ensure that their appearance was satisfactory. A short section of the front garden would be set behind tall planting to serve only the occupiers of the ground floor flat at the front of the building. A suitable condition with regard to landscaping and boundary treatment would ensure that the subdivided layout of the front garden, which could take place in any event, remained informal, largely open and thus in keeping with neighbouring gardens. While the main entrance to the building would be relocated to the sidewall, a doorway would remain in the front façade.
9. The Council raises no objection to the rest of the appeal scheme, which includes a new rear conservatory and alterations to the fenestration. I, too, find these parts of the appeal scheme acceptable because they would be appropriate in design and appearance and respect the visual character of the host building and those nearby. On the evidence before me, I share the finding of the Council's Tree Officer that no harm would be caused to trees.
10. On the first main issue, I therefore conclude that the proposal would be in keeping with the character and appearance of the host building and the local area. The character and appearance of the CA would be preserved. Accordingly, the proposal does not conflict with Policy CP17 of the Brent Core Strategy or Policies BE2, BE9 and BE25 of the London Borough of Brent Unitary Development Plan 2004 (UDP). These policies seek to ensure that new

development is designed with regard to its context, positively contributes to the character of the area, respects the design of adjoining development and preserves or enhances the character or appearance of conservation areas.

11. It would also adhere to the policies and principles of the National Planning Policy Framework (the Framework), which states that planning should always seek to secure high quality design. The Framework also notes that development should respond to local character, safeguard heritage assets, and add to the overall quality of an area.

Vehicle parking

12. The site is located in an area wherein on-street parking is controlled by parking permits mainly on weekdays. These restrictions reflect the generally high demand for on-street vehicle parking in the vicinity of the site.
13. To meet its relevant parking standard, the Council states in its appeal evidence that 6.2 off-street spaces would be required to serve the 5 flats within the finished building. As only 1 on-site space is to be provided, the Council is concerned that the proposal would therefore cause or exacerbate local parking problems by significantly adding to on-street parking demand.
14. However, in reaching that conclusion, the Council accepts that the road (ie Teignbridge Road) is not noted as being heavily parked at night. It also states that the Council's most recent overnight surveys, which is at a time when most people are likely to be at home and want to park their vehicle outside, indicate that on-street bays were about 70% occupied. This level of on-street parking would be below the 80% threshold beyond which the Council considers the road to be heavily parked. These findings are broadly consistent with the results of the appellant's parking surveys, which indicate that the overnight use of roads for parking in the vicinity of the site amounted to about 75% of the total number of available spaces. On the survey dates, that equated to about 86 parking spaces available for motorists when demand is likely to be greatest, with between 30 and 32 spaces available along Teignmouth Road.
15. The Council acknowledges that there is space along the site's frontage for 2 cars to park on the road that can count towards meeting its standard given local highway conditions. Therefore, taking into account the on-site space to be provided, the proposal would create an additional demand for 3 to 4 on-street spaces elsewhere. Based on the evidence before me, the capacity of roads near to the site would comfortably absorb this extra demand. The walk to the site from the streets that were surveyed would not be too time consuming, inconvenient or unsafe.
16. If no space were available close to the site, occupiers of and visitors to the appeal scheme may decide to park inconsiderately, illegally or obstructively on the nearby highways and thereby impede traffic flows, prejudice highway safety or cause an inconvenience to other road users. While that is a possibility, I saw no instances of such behaviour during my site visit nor have any examples of such problems been drawn to my attention. While car users associated with the proposal could park in front of other buildings, they have a right to do so as any other highway user.

17. With regard to the appeal scheme, secure storage space for cycles would be provided for use by future occupiers, with Willesdon Green tube station and bus services along Shoot Up Hill within reasonable walking distance of the site. Occupiers of the residential units within No 31 would therefore have a choice of means of transport other than the private car. As a result, not all future occupiers will necessarily own or have regular access to a car and thus seek to use the street for parking.
18. Drawing these various strands together, I conclude on this issue that the proposal would not significantly increase the demand for on-street vehicle parking nor would harm the amenity or safety of others. Consequently, there is no material conflict with the Council's crossover policy or UDP Policy TRN23, which aim to ensure that residential developments do not provide more parking than is stated in the relevant standard.

Other matters

19. The appellant has submitted a draft legal agreement in respect of parking permit eligibility and has indicated a willingness to restrict the ability of the occupiers of a flat to apply for or secure a permit. However, in light of my favourable findings in relation to the second main issue, it follows that such a restriction is unnecessary to make the development acceptable.

Conditions

20. I have considered the conditions suggested by the Council in the light of relevant advice contained within the Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. In doing so, there is a minor discrepancy between the layout and elevation drawings with regard to the second floor front windows.
21. Given the size of the extension, it is important that the finished building should have a coherent appearance with respect to the materials used. The age of the building indicates that this can be most effectively achieved if samples are submitted for approval before work starts. It is necessary to impose a condition to this effect to achieve a satisfactory appearance for the finished building. For the same reason, a condition is attached to require further details of the new cycle and refuse stores, which is additional to those suggested by the Council.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

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Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Revision D11, 001 Revision D1, 010 Revision D11, 100 Revision D11, 110 Revision D11, 120 Revision D11, 200 Revision D11, 300 Revision D11, 310 Revision D11 and 320 Revision D11.
- 3) No development (including demolition ground clearance or construction works) shall commence until schemes of landscaping, earthworks and means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority details of the cycle and refuse stores including elevations. Development shall be carried out in accordance with the approved details.