
Appeal Decision

Site visit made on 29 November 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/T5150/W/16/3157383
329 Neasden Lane North, London NW10 0AH

- 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 Mr William McGowan against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2174, dated 19 May 2016, was refused by notice dated 15 July 2016.
 - The development proposed is the creation of new basement, new 1x2 bed basement flat and Installation of front and rear light wells for 329 Neasden Lane North, NW10 0AH (Resubmission).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the planning application was refused by the Council, the Development Management Policies (DMP) were adopted by the Council on 21 November 2016. The DMP sets out that the saved Unitary Development Plan (UDP) policies referred to in each of the reasons for refusal have now either been replaced by specific DMP policies or not taken forward as they are covered by national and London Plan policy. The parties, upon my request, have commented on the DMP and set out whether its adoption changes their case.
3. While the appellant considers this appeal should be considered on the basis of the policies referred to on the Council's decision notice, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise¹. Thus, my findings follow this approach.

Main Issues

The main issues are: (i) whether future occupants of the proposed basement flat would be likely to experience acceptable living conditions, with regards to noise, outlook, daylight, sunlight and external amenity space; (ii) the effect of the proposed parking arrangement on highway safety in Neasden Lane North; and (iii) whether the proposed development makes adequate refuse and cycle storage provision.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

Reasons

Future Living Conditions

4. Lightwells proposed at the front would face north east, while those at the rear would face south west. Each lightwell would be below external ground level which would mean occupants in the basement flat would have an outlook directly onto a wall from each of their windows. Even though sliding doors would be installed in the rear openings which would allow occupants to stand within the lightwells, occupants would have a very enclosed and oppressive outlook that would only allow for views to the sky due to the depth of the lightwells. Moreover, occupants would not be able to see the sky when stood in the rear part of each room. Even if they are not obvious, the use of horizontal safety bars across each of the front facing lightwells would amplify the enclosed nature of the outlook from both bedrooms.
5. The Mayor of London Housing Supplementary Planning Guidance (HSPG) points to living areas and kitchen dining spaces being preferable recipients of direct sunlight. While rear facing rooms are better placed, due to the depth of the rear facing lightwells, I do not consider this room would receive direct sunlight for part of the day. As the bedrooms face north east and their openings are near to an area used for off-street car parking, I am also not satisfied that they would receive direct sunlight for part of the day.
6. Each room would nevertheless receive daylight. However, the amount of natural light entering each room would diminish, particularly at the rear the room. The boundary fence adjacent to 327 Neasden Lane North and the deep recess of the living, dining and kitchen from the lightwell adjacent to the boundary with Hazelwood Court would limit the amount of daylight that would reach the rearmost part of the room. Furthermore daylight would be affected by the horizontal bars above each bedroom window and by cars being parked in front of each opening. I therefore consider the rooms would feel gloomy which would not provide for living conditions of a high level, as occupants would be heavily dependent upon artificial lighting.
7. Each rear facing lightwell would provide a limited amount of private outdoor amenity space. However due to their size, shape and depth below ground level, I do not consider that they would provide a usable and attractive space as occupants would feel enclosed by the tall retaining walls.
8. Both bedrooms within the basement flat would be positioned at the front of the property beneath the living rooms of flats A and B. While the front of the property faces Neasden Lane North which would generate noise through passing traffic, there are more potential noise sources and likelihood of noise occurring in a living room compared to a bedroom. Given the basement flat would be a home for up to four people, I consider that it is reasonable to expect a relatively quiet environment so that occupants can sleep. Placing the bedrooms beneath the living rooms would not provide this, as noise from people moving and the television for example, would transmit into the bedrooms which are generally quiet places of retreat.
9. As the basement floor would be entirely new, despite the appellant's view, there is sufficient scope to design the room layout to mirror the rooms above and minimise any noise effect that may arise from their close proximity to one another. I recognise modern standards of insulation can lessen the effect of

noise, and that the development would need to meet Building Regulations standards. However, the living conditions of future occupants is also a valid planning consideration and I am not satisfied that the proposed layout would result in a high level of internal amenity for the future occupants of the basement flat. Without details of the insulation, I consider the use of a condition goes to the heart of whether the development, on this issue, would be acceptable.

10. For these reasons, on this issue, I therefore conclude that the future occupants of the proposed flat would not experience acceptable living conditions, with regards to noise, outlook, daylight, sunlight and external amenity space. The proposal would not accord with Policies DMP1(a) and DMP19 of the DMP, the HSPG and the Design Guide for New Development Supplementary Planning Guidance (SPG17); together these policies and guidance seek, amongst other things, a high level of internal and external living conditions.
11. While Policy DMP17 of the DMP has replaced policy H18 of the UDP, I do not consider Policy DMP17 to be relevant to this issue as it concerned with the conversion of family sized dwellings rather than the formation of a new flat.

Car Parking

12. A sloping area of hardstanding off Neasden Lane North is used by vehicles for car parking and is roughly 80m². Directly in front of the appeal site is a bus stop, however the Public Transport Accessibility Level is scored at 3. Thus, the site is not suitable as a car free development and occupants are still likely to be reliant upon cars for travel even if they are encouraged to use alternative modes of transport. Appendix 1 of the DMP sets out that one car parking space is applicable for the proposed two bedroom flat.
13. The appeal scheme does not propose to create an extra parking space. So, future occupants of the new flat would have to share the existing provision. While this may be sufficient for the occupants of the five existing flats, I am not satisfied that the increased car parking demand can be provided on the site given the extent of the hardstanding.
14. Even though it is suggested by the appellant that a Section 106 agreement may address the matter by restricting future occupants access to resident parking permits, no agreement has been submitted.
15. Locally, including on Neasden Lane North there are parking restrictions in place and I noted parking spaces were well used or are subject to pay and display arrangements. Neasden Lane North feeds into the North Circular Road which is close to the appeal site. Beyond the North Circular Road and opposite the site are a variety of facilities and services. Thus, Neasden Lane North is a well-used route by vehicular and pedestrian traffic. The free movement of vehicles and pedestrians on Neasden Lane North would be very likely to be affected if extra vehicles cannot park on the site or there are no convenient alternatives.
16. As it has not been demonstrated that the additional parking space can either be accommodated on the appeal site or by other means, I therefore conclude that the proposed parking arrangement would significantly affect highway safety in Neasden Lane North. The proposal would be contrary to Policies DMP1 (b), DMP12 and Appendix 1 of the DMP; which together seek to,

amongst other things, ensure new development provides off-street car parking so that movements on the existing highway network are not affected.

Refuse and Cycle Storage Provision

17. No details of any refuse provision are shown on the submitted plans. Although it may be general practice to store refuse inside and bring it outside on the day of collection, I did note that a number of wheelie bins of different colour and size were located alongside the boundary with 327 Neasden Lane North.
18. The appeal scheme would increase the quantum of residential units on the site and in turn the amount of refuse and recycling that would arise from the occupants. While, the appellant has invited me to attach a planning condition, I am not certain that it would not impact on the proper implementation of the planning permission, given there is no parking layout before me to set out the space available for an adequately sized area to enable wheelie bin and recycling storage suitable for up to four occupants.
19. For these reasons, on this issue, I therefore conclude that the proposed development would not make adequate refuse storage provision and would be contrary to Policy DMP1(a) of the DMP and SPG17. This policy and guidance seeks, amongst other things, to ensure development provides refuse provision that supports the living conditions of occupants.
20. Appendix 1 of the DMP sets out that the minimum cycle parking standards found in policy 6.9 and in table 6.3 of the London Plan apply. While two cycle parking spaces is an increase from the one space that was required in the replaced UDP, and despite no cycle storage being shown on the plans, I recognise two bicycles could be stored inside the flat which would have a larger internal floor area than required. I therefore conclude that the appeal scheme would provide adequate cycle storage provision in accordance with the relevant parts of Policy 6.9 and table 6.3 of the London Plan, Appendix 1 of the DMP and SPG17; these policies and guidance together seek to support the increase in cycling in London.
21. As set out in the first main issue, Policy DMP17 of the DMP is concerned with the conversion of family sized dwellings rather than the provision of refuse or cycle storage. It is therefore not relevant to this issue.

Conclusion

22. Although the proposal would contribute to the supply of housing in the area, enable bicycle storage and use energy efficient construction materials and methods, these matters do not outweigh the impact the appeal scheme would have in terms of living conditions, car parking and refuse provision.
23. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR