

Appeal Decision

Site visit made on 28 November 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 3 January 2017

Appeal Ref: APP/T5150/W/3155599
55 District Road, Wembley HA0 2LF

- 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 Suresh Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1825, dated 26 April 2016, was refused by notice dated 27 June 2016.
 - The development proposed is the conversion of the property to 2 No self contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Two sets of drawings were lodged with the appeal by the appellant. The parties have subsequently confirmed that two plans, both referenced as: 16/008, formed the basis of the application considered by and refused by the Council. I have therefore determined the appeal on the basis of the plans considered by the Council.
3. Since the application was refused, the Council have adopted its Development Management Policies (DMP) on 21 November 2016. The Council have later confirmed that the DMP now supersedes policies in the saved Unitary Development Plan (UDP) that have been referred to in both reasons for refusal. As such, full weight should now be given to the policies contained in the DMP.
4. The parties have been given the opportunity to comment on the DMP policies and outline whether its adoption changes their case. I have had regard to their submissions and my decision reflects the policies of the DMP.

Main Issues

5. The main issues are (i) the effect of the proposed development on the future occupants of the proposed ground floor flat, with regards to outlook from their kitchen/dining room; and (ii) the effect of the proposed parking arrangement on highway safety in District Road.

Reasons

Living Conditions

6. The appeal site is a two storey detached property in a residential area. The property has been extended at the rear, which is used as a kitchen. Several
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windows and a door are in the flank elevation of the property facing the bungalow at 53 District Road. The appeal property is sited away from the shared boundary with No 53. A fence roughly 1.5 metres in height extends along the shared boundary between the respective properties, before the ground level drops and the fence height increases to roughly 1.8 metres adjacent to a raised terrace area at the rear of the kitchen.

7. It is suggested by the appellant that the proposed kitchen is not big enough to accommodate a dining table and that the living room will also be used as a dining room. Nevertheless, the floor plan does not support either point. While the kitchen/diner is an irregular shape, it would be a good size at over 12m² and the kitchen units would as set out in the proposed floor plan take account of the irregular shape, leaving a larger area for circulation and a dining table.
8. The kitchen/diner would have an outlook via a window and door onto the fence and the flank elevation of No 53. The distance between both openings and the fence and the elevation of No 53 is not great. Although the window and door are existing and would remain unchanged, the internal room layout would be very different, in that internal walls would be erected, thereby enclosing the kitchen/diner and the outlook that the current occupants have from their living room to the rear. As such, future occupants of the ground floor flat would have a sole outlook from the kitchen/diner directly onto the flank elevation of a house. Given that many people spend a lot of time in their kitchen and dining rooms, I consider the proposed arrangement would result in a poor outlook for any future occupants which would affect their living conditions.
9. For these reasons, I therefore conclude that the proposed development would significantly affect future occupants of the proposed ground floor flat, with regards to outlook from their kitchen/dining room. The proposal would not accord with Policy DMP1 of the DMP; which seek to secure a good standard of internal living conditions for occupants.

Parking Arrangement

10. District Road is heavily parked with vehicles using both sides of the carriageway in marked bays. Vehicles do also make use of off-street parking that is provided in front of a number of properties, including the appeal site which offers one off-street parking space. Sudbury Town underground station is a short walk away from the appeal site and it is suggested that District Road is used by commuters to park their vehicles while they are at work.
11. While photographs have been provided by the appellant that show District Road may not always be as well used for on-street parking, especially early in the morning, late at night or overnight, there are no dates or times associated with these images. However, even if a trend was demonstrated, it would not alter the heavy use of District Road throughout the day.
12. The Council's maximum parking standards set out in Appendix 1 of the DMP. Although the parking standards set out in the UDP under policy PS14 amounted to a higher maximum off-street parking provision of 2.8 spaces for the flats, these have now been replaced by the lower figure in the DMP. Despite this, the appeal scheme would not provide any additional off-street parking within the site edged red, and would therefore not meet the standard in Appendix 1 of the DMP. Even considering its relatively close proximity to public transport and a variety of facilities and services, the proposed development would add to the

demand for on-street parking on District Road which is a heavily parked street. This would, in my view, lead to vehicles being parked outside of the marked bays which would potentially affect the free and safe flow of vehicles and pedestrians which use footways on both sides of carriageway.

13. Although reliance is placed on 57 District Road being able to accommodate four vehicles, there is no guarantee that this provision would remain available in the future, despite the appellant's ownership of No 57 and their future intentions. Circumstances may change in the future and in any event, No 57 is outside of the appeal site.
14. For these reasons, I conclude that the proposed parking arrangement would harm highway safety in District Road. The proposal would not accord with Policies DMP1, DMP12 and Appendix 1 of the DMP. These policies together, amongst other matters, seek to manage the impact of additional car parking on highways and how safety for all can be improved.

Other Matters

15. The two and three bedroom flats would be broadly consistent with the internal living space standards found in the London Plan and the extended home is over 130m² and access would be provided to the good sized rear garden for both flats as sought by DMP Policies DMP17, DMP18 and DMP19. Also the proposal would contribute towards the supply of housing by providing a net gain of one unit, thereby avoiding a net loss as per DMP Policy DMP16. However these matters do not outweigh the harm to living conditions and on-street parking that would be caused by the appeal scheme.
16. Even though occupants of neighbouring properties do not raise any objection to the proposal, I have determined this appeal in accordance with the development plan unless material circumstances have indicated otherwise.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR